

I MINA'TRENTA NA LIHESLATURAN GU HAN  
2009 (FIRST) Regular Session

Bill No. 158 (cor)

Introduced by:

F. F. Blas, Jr.   
T. R. Muña-Barnes 

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**AN ACT TO *AMEND* SECTIONS 3101, 3104 AND 3107  
ALL OF CHAPTER 3, TITLE 19 OF THE GUAM  
CODE ANOTATED, RELATIVE TO THE VALIDITY  
OF MARRIAGE.**

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

- Section 1.** *Legislative Findings and Intent.*
- Section 2.** Amends §3101 of Chapter 3 of Title 19 of the  
Guam Code Annotated.
- Section 3.** Amends §3104 of Chapter 3 of Title 19 of the  
Guam Code Annotated.
- Section 4.** Amends §3107 of Chapter 3 of Title 19 of the  
Guam Code Annotated.
- Section 5.** Severability.

**Section 1. *Legislative Findings and Intent.*** *I Liheslaturan Guåhan* finds that it has a legitimate interest in promoting the common good of the territory by defending the traditional and common law definition and understanding of marriage. Furthermore, *I Liheslaturan Guåhan* finds that in 1996, the United States Congress adopted the Defense of Marriage Act (DOMA). Congress passed DOMA because of a decades-long assault on marriage. More importantly, DOMA has two sections, one

1 defining “marriage” for purposes of federal law, and the other affirming federalism  
2 principles under the authority granted by Article IV, Section 1 of the Constitution, the  
3 Full Faith and Credit Clause. The first section states that for purposes of federal law,  
4 marriage means a legal union between a man and a woman. The second section  
5 reaffirms the power of the states and territories to make their own decisions about  
6 marriage. It is for this reason that *I Liheslaturan Guåhan* finds it necessary to amend  
7 Guam’s statute defining marriage in concert with the Defense of Marriage Act.

8 **Section 2. §3101 of Chapter 3 of Title 19 of the Guam Code Annotated is**  
9 **hereby *amended* to read as follows:**

10 “§3101. **What Constitutes Marriage.** *Marriage* is a personal  
11 relation between one male and one female arising out of a civil contract, to  
12 which the consent of parties capable of making that contract is necessary.  
13 Consent alone will not constitute marriage; it must be followed by a  
14 solemnization authorized by this Title.”

15 **Section 3. §3104 of Chapter 3 of Title 19 of the Guam Code Annotated is**  
16 **hereby *amended* to read as follows:**

17 “§3104. **Incompetency of Parties.** Marriages between parents and  
18 children, ancestors and descendants ~~of every degree,~~ persons of the same  
19 gender, and between brothers and sisters of the half as well as the whole blood,  
20 and between uncles and nieces or aunts and nephews, are void from the  
21 beginning whether the relationship is legitimate or illegitimate.”

22 **Section 4. §3107 of Chapter 3 of Title 19 of the Guam Code Annotated is**  
23 **hereby *amended* to read as follows:**

24 “§3107. **Marriages Outside of Guam.** All marriages as defined by  
25 §3101 of this Chapter contracted outside of the territory of Guam, which would  
26 be valid by the laws of the country in which the same were contracted, are valid  
27 in the territory of Guam.”

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