

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|------------------------------------|--|---|-----------------------|---------------|---|---|-----------------------------|--|
| 146-32 (LS) P.L. 32-111 | V. A. Ada, Brant T. McCreadie, Frank B. Aguon. Jr. R.J. Respicio | AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9GCA RELATIVE TO CASTLE DOCTRINE. | 06/19/13 12:28p.m. | 06/19/13 | Committee on the Guam U.S. Military Relocation, homeland Security, Veteran's Affairs, and Judiciary | 7/31/13 5:30 p.m. | 09/25/13 3:16 p.m. | Fiscal Note Requested 06/21/13 Fiscal Note Received 07/19/13 |
| | DATE PASSED | TITLE | TRANSMITTED | | DUE DATE | <small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small> | PUBLIC LAW NO. | NOTES |
| | 2/1/2014 | AN ACT TO ADD NEW §§ 37.70, 37.71, 37.72 AND 37.73 TO CHAPTER 37 AND TO AMEND §7.86(b)(2)(A) OF CHAPTER 7 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO GRANTING IMMUNITY FROM CRIMINAL PROSECUTION OR CIVIL ACTION TO A PERSON WHO USES FORCE INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY ON SOMEONE WHO UNLAWFULLY OR FORCIBLY ENTERS A RESIDENCE, VEHICLE OR BUSINESS; TO BE KNOWN AS THE "CASTLE DOCTRINE ACT." | 2/1/14 | 10:50 p.m. | 2/13/2014 | 2/10/2014 | 32-111 | As amended by the Committee on U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary; and further amended on the Floor. |

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

32-14-1292

FEB 13 2014

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date: 2/14/14
Time: 3:53 PM
Received by: [Signature]

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 146-32 (COR) "AN ACT TO ADD NEW §§37.70, 37.71, 37.32 AND 37.73 TO CHAPTER 37 AND TO AMEND §7.86(b)(2)(A) OF CHAPTER 7 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO GRANTING IMMUNITY FROM CRIMINAL PROSECUTION OR CIVIL ACTION TO A PERSON WHO USES FORCE INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY ON SOMONE WHO UNLAWFULLY OR FORCIBLY ENTERS A RESIDENCE, VEHICLE OR BUSINESS; TO BE KNOWN AS THE "CASTLE DOCTRINE ACT" which I signed into law on February 10, 2014 as Public Law 32-111.

2014 FEB 14 PM 4:48
V

Senseramente,

[Signature]
EDDIE BAZA CALVO

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 146-32 (COR), "AN ACT TO ADD NEW §§ 37.70, 37.71, 37.72 AND 37.73 TO CHAPTER 37 AND TO AMEND §7.86(b)(2)(A) OF CHAPTER 7 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO GRANTING IMMUNITY FROM CRIMINAL PROSECUTION OR CIVIL ACTION TO A PERSON WHO USES FORCE INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY ON SOMEONE WHO UNLAWFULLY OR FORCIBLY ENTERS A RESIDENCE, VEHICLE OR BUSINESS; TO BE KNOWN AS THE "CASTLE DOCTRINE ACT," was on the 1st day of February, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1st day of FEB,
2014, at
10:50 o'clock P. M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: FEB 10 2014

Public Law No. 32-111

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

Bill No. 146-32 (COR)

As amended by the Committee on U.S. Military Relocation,
Homeland Security, Veteran's Affairs and Judiciary;
and further amended on the Floor.

Introduced by:

V. Anthony Ada
Brant T. McCreddie
FRANK B. AGUON, JR.
R. J. Respicio
T. C. Ada
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ADD NEW §§ 37.70, 37.71, 37.72 AND 37.73 TO CHAPTER 37 AND TO AMEND §7.86(b)(2)(A) OF CHAPTER 7 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO GRANTING IMMUNITY FROM CRIMINAL PROSECUTION OR CIVIL ACTION TO A PERSON WHO USES FORCE INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY ON SOMEONE WHO UNLAWFULLY OR FORCIBLY ENTERS A RESIDENCE, VEHICLE OR BUSINESS; TO BE KNOWN AS THE "CASTLE DOCTRINE ACT."

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

2 **Section 1.** New §§ 37.70, 37.71, 37.72 and 37.73 are *added* to Chapter 37
3 of Title 9, Guam Code Annotated, to read as follows:

1 (2) the person who uses defensive force knew or had
2 reason to believe that an unlawful and forcible entry or
3 unlawful and forcible act was occurring or had occurred.

4 (b) The presumption set forth in Subsection (a) *does not*
5 apply if:

6 (1) the person against whom the defensive force is
7 used has the right to be in or is a lawful resident of the business,
8 residence, or vehicle, such as an owner, lessee, or titleholder,
9 and there is *not* an injunction for protection from domestic
10 violence or a written pretrial supervision order of no contact
11 against that person; or

12 (2) the person who uses defensive force is engaged in
13 a criminal activity or is using the business, residence, or
14 occupied vehicle to further a criminal activity; or

15 (3) the person against whom defensive force is used is
16 a uniformed law enforcement officer who enters or attempts to
17 enter a habitable property, residence, or vehicle in the
18 performance of his or her official duties, and the officer
19 identified himself or herself in accordance with applicable law,
20 or the person using force knew or reasonably should have
21 known that the person entering or attempting to enter was a law
22 enforcement officer.

23 (c) A person who unlawfully and by force enters or attempts
24 to enter a person's business, residence, or occupied vehicle is
25 presumed to be doing so with the intent to commit an unlawful act
26 involving force or violence.

27 (d) As used in this Section, the term:

1 (1) *habitable property* has the meaning provided by
2 §34.10. Habitable property, as used in this Section, are limited
3 to business buildings, for which the victim has beneficial
4 control and use; and residences, vehicles and house boats for
5 which the victim has a legal right to occupy.

6 Habitable property, as used in this Section, *does not*
7 include yards or outdoor spaces surrounding business buildings,
8 residences, vehicles or house boats. Nothing herein is construed
9 to limit the right of a victim to use defensive force in a manner
10 consistent with Chapter 7 of Title 9, GCA in areas outside of
11 his home, business, car or house boat.

12 (2) *business* means habitable property that is lawfully
13 used to conduct commercial activity by duly licensed
14 corporations, LLCs, partnerships or sole proprietorships.

15 (3) *residence* as used in this Chapter, means a
16 habitable property in which a person resides, either temporarily
17 or permanently, or is visiting as an invited guest.

18 (4) *vehicle* is defined in §1102 and §5101 of Title 16,
19 GCA.

20 (5) *Defensive force* has the same meaning as *self*
21 *defense* as used in Chapter 7 of Title 9, GCA, *except* that a
22 lawful occupant of habitable property has *no* duty or obligation
23 to retreat.

24 **§ 37.72. Immunity from Criminal Prosecution and Civil**
25 **Action.**

1 (a) As used in this Section, the term *criminal prosecution*
2 includes arresting, detaining in custody, and charging or prosecuting
3 the defendant.

4 (b) A person who uses force as permitted in §37.71 is
5 justified in using such force and is immune from criminal prosecution
6 and civil action for the use of such force, *except* when:

7 (1) the person against whom force was used is a law
8 enforcement officer, as defined by public law, who was acting
9 in the performance of his or her duties, and the officer identified
10 himself or herself in accordance with applicable law; or

11 (2) the person using force knew or reasonably should
12 have known that the person was a law enforcement officer; or

13 (3) the use of force is found to be unlawful or was
14 found to have been exercised with any illegal activity.

15 (c) A law enforcement agency *shall* use standard procedures
16 for investigating the use of force as described in Subsection (b), but
17 the agency may *not* arrest the person for using force *unless* it
18 determines that there is probable cause that the force that was used
19 was unlawful.

20 (d) The court *shall* award reasonable attorney's fees, court
21 costs, compensation for loss of income, and all expenses incurred by
22 the defendant in defense of any civil action brought by a plaintiff *if*
23 the court finds that the defendant is immune from prosecution as
24 provided in Subsection (b).

25 **§ 37.73. Severability.** *If* any provision of this Act or its
26 application to any person or circumstance is found to be invalid or contrary
27 to law, such invalidity *shall not* affect other provisions or application of this

1 Act which can be given effect without the invalid provisions or application,
2 and to this end the provisions of this Act are severable.”

3 **Section 2.** Paragraph (A) of § 7.86(b)(2) of Article 4, Chapter 7 of Title 9,
4 Guam Code Annotated, is *amended* to read as follows:

5 “(A) the defendant is *not* obliged to retreat from his dwelling, place
6 of work or vehicle, *unless* he was the initial aggressor or is assailed in his
7 place of work by another person whose place of work the defendant knows it
8 to be; and”.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

February 1, 2014

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 61-32(COR), 70-32(COR), 71-32(COR), 130-32(COR), 146-32(COR), 169-32(COR), 179-32(COR), 180-32(COR), 190-32(COR), 192-32(COR), 197-32(COR), 201-32(COR), 202-32(COR), 204-32(COR), 206-32(COR), 214-32(COR), 221-32(COR), 225-32(COR), 226-32(COR), 231-32(COR), 232-32(COR), 235-32(COR), 236-32(COR), 237-32(COR), 242-32(COR), 245-32(COR), 247-32(COR), 248-32(COR) and 268-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

FEB 1, 2014
10:50 p.m.
T.R. Muña

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 146-32 (COR)**, "AN ACT TO *ADD NEW* §§ 37.70, 37.71, 37.72 AND 37.73 TO CHAPTER 37 AND TO *AMEND* §7.86(b)(2)(A) OF CHAPTER 7 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO GRANTING IMMUNITY FROM CRIMINAL PROSECUTION OR CIVIL ACTION TO A PERSON WHO USES FORCE INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY ON SOMEONE WHO UNLAWFULLY OR FORCIBLY ENTERS A RESIDENCE, VEHICLE OR BUSINESS; TO BE KNOWN AS THE "CASTLE DOCTRINE ACT," was on the 1st day of February, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested: 

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1st day of FEB,
2014, at
10:50 o'clock P..M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 146-32 (COR)

As amended by the Committee on U.S. Military Relocation,
Homeland Security, Veteran's Affairs and Judiciary;
and further amended on the Floor.

Introduced by:

V. Anthony Ada
Brant T. McCreddie
FRANK B. AGUON, JR.
R. J. Respicio
T. C. Ada
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ADD NEW §§ 37.70, 37.71, 37.72 AND 37.73 TO CHAPTER 37 AND TO AMEND §7.86(b)(2)(A) OF CHAPTER 7 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO GRANTING IMMUNITY FROM CRIMINAL PROSECUTION OR CIVIL ACTION TO A PERSON WHO USES FORCE INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY ON SOMEONE WHO UNLAWFULLY OR FORCIBLY ENTERS A RESIDENCE, VEHICLE OR BUSINESS; TO BE KNOWN AS THE "CASTLE DOCTRINE ACT."

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2 reason to believe that an unlawful and forcible entry or
3 unlawful and forcible act was occurring or had occurred.

4 (b) The presumption set forth in Subsection (a) *does not*
5 apply if:

6 (1) the person against whom the defensive force is
7 used has the right to be in or is a lawful resident of the business,
8 residence, or vehicle, such as an owner, lessee, or titleholder,
9 and there is *not* an injunction for protection from domestic
10 violence or a written pretrial supervision order of no contact
11 against that person; or

12 (2) the person who uses defensive force is engaged in
13 a criminal activity or is using the business, residence, or
14 occupied vehicle to further a criminal activity; or

15 (3) the person against whom defensive force is used is
16 a uniformed law enforcement officer who enters or attempts to
17 enter a habitable property, residence, or vehicle in the
18 performance of his or her official duties, and the officer
19 identified himself or herself in accordance with applicable law,
20 or the person using force knew or reasonably should have
21 known that the person entering or attempting to enter was a law
22 enforcement officer.

23 (c) A person who unlawfully and by force enters or attempts
24 to enter a person's business, residence, or occupied vehicle is
25 presumed to be doing so with the intent to commit an unlawful act
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13 used to conduct commercial activity by duly licensed
14 corporations, LLCs, partnerships or sole proprietorships.

15 (3) *residence* as used in this Chapter, means a
16 habitable property in which a person resides, either temporarily
17 or permanently, or is visiting as an invited guest.

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20 (5) *Defensive force* has the same meaning as *self*
21 *defense* as used in Chapter 7 of Title 9, GCA, *except* that a
22 lawful occupant of habitable property has *no* duty or obligation
23 to retreat.

24 **§ 37.72. Immunity from Criminal Prosecution and Civil**
25 **Action.**

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2 includes arresting, detaining in custody, and charging or prosecuting
3 the defendant.

4 (b) A person who uses force as permitted in §37.71 is
5 justified in using such force and is immune from criminal prosecution
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8 enforcement officer, as defined by public law, who was acting
9 in the performance of his or her duties, and the officer identified
10 himself or herself in accordance with applicable law; or

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12 have known that the person was a law enforcement officer; or

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14 found to have been exercised with any illegal activity.

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16 for investigating the use of force as described in Subsection (b), but
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18 determines that there is probable cause that the force that was used
19 was unlawful.

20 (d) The court *shall* award reasonable attorney's fees, court
21 costs, compensation for loss of income, and all expenses incurred by
22 the defendant in defense of any civil action brought by a plaintiff *if*
23 the court finds that the defendant is immune from prosecution as
24 provided in Subsection (b).

25 **§ 37.73. Severability.** *If* any provision of this Act or its
26 application to any person or circumstance is found to be invalid or contrary
27 to law, such invalidity *shall not* affect other provisions or application of this

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4 Guam Code Annotated, is *amended* to read as follows:

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6 of work or vehicle, *unless* he was the initial aggressor or is assailed in his
7 place of work by another person whose place of work the defendant knows it
8 to be; and”.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
February 1, 2014

Bill No. 146-32 (COR)
As amended by the Committee on Guam U.S.
Military Relocation, Homeland Security, Veterans
Affairs, and Judiciary; and further amended on the

| NAME | Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |
|--|-----|-----|--------------------------|-------------------------|--------|
| Senator Thomas "Tom" C. ADA | ✓ | | | | |
| Senator V. Anthony "Tony" ADA | ✓ | | | | |
| Senator Frank Blas AGUON Jr. | ✓ | | | | |
| Vice-Speaker Benjamin J.F. CRUZ | | ✓ | | | |
| Senator Christopher M. DUENAS | ✓ | | | | |
| Senator Michael LIMTIACO | ✓ | | | | |
| Senator Brant McCREADIE | ✓ | | | | |
| Senator Thomas "Tommy" MORRISON | ✓ | | | | |
| Senator Tina Rose MUÑA BARNES | ✓ | | | | |
| Senator Vicente (ben) Cabrera PANGELINAN | | ✓ | | | |
| Senator Rory J. RESPICIO | ✓ | | | | |
| Senator Dennis G. RODRIGUEZ, Jr. | | ✓ | | | |
| Senator Michael F. Q.SAN NICOLAS | | ✓ | | | |
| Speaker Judith T. WON PAT, Ed.D. | | ✓ | | | |
| Senator Aline A. YAMASHITA, Ph.D. | ✓ | | | | |

TOTAL

10

5

Yea

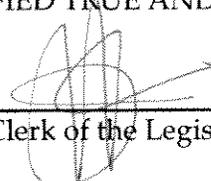
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

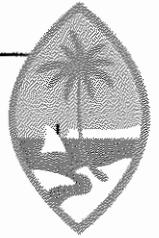
I = Pass



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I Mina'Trentai Dos Na Liheslaturan Guáhan | 32nd GUAM LEGISLATURE



September 18, 2013

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Dos Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules *[Signature]*

RE: Committee Report on Bill No. 146-32 (LS) As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 146 -32 (LS)-"An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine"

Committee votes are as follows:

- 7 TO DO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Respectfully,

[Signature of Senator Frank B. Aguon, Jr.]
SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Liheslaturan Guáhan | 32nd Guam Legislature

2013 SEP 25 PM 3:16

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

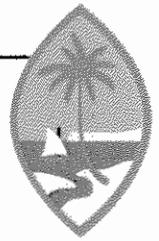
**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

| MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



Senator

FRANK B. AGUON, JR.

Committee Chairperson

Senator

Tina Muna-Barnes

Committee Vice Chairperson

Speaker

Judith T. Won Pat, Ed.D.

Committee Member

Senator

Rory J. Respicio

Committee Member

Senator

Thomas C. Ada

Committee Member

Senator

Dennis G. Rodriguez, Jr.

Committee Member

Senator

V. Anthony Ada

Committee Member

Senator

Michael Limtiaco

Committee Member

Senator

Thomas Morrison

Committee Member

COMMITTEE REPORT

ON

BILL NO. 146-32 (LS) As Amended - An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine.



**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



September 18, 2013

MEMORANDUM

To: ALL MEMBERS
Committee on Guam U.S. Military Relocation, Homeland Security,
Veterans Affairs, and Judiciary

From: Senator Frank B. Aguon, Jr.
Committee Chairperson

Subject: Committee Report on Bill No. 146-32 (LS) As Amended

Transmitted herewith for your consideration is the Committee Report on Bill No. 146-32 (LS) As Amended-
"An Act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 146-32 (LS) As Amended
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of the Appointment
- Notices of Public Hearing
- Copy of Public Hearing Agenda
- Related New Reports

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'ase' !

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Lintiaco**
Committee Member

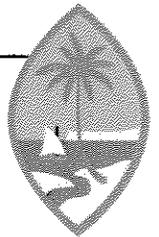
**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

| MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



COMMITTEE VOTING SHEET

Bill No. 146-32 (LS) As Amended – An Act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine.

Senator

FRANK B. AGUON, JR.

Committee Chairperson

Senator

Tina Muna-Barnes

Committee Vice Chairperson

Speaker

Judith T. Won Pat, Ed.D.

Committee Member

Senator

Rory J. Respicio

Committee Member

Senator

Thomas C. Ada

Committee Member

Senator

Dennis G. Rodriguez, Jr.

Committee Member

Senator

V. Anthony Ada

Committee Member

Senator

Michael Limtiaco

Committee Member

Senator

Thomas Morrison

Committee Member

| COMMITTEE MEMBERS | SIGNATURE | TO DO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN | TO PLACE IN INACTIVE FILE |
|---|-----------|------------|-------------|--------------------|------------|---------------------------|
| AGUON, FRANK B. JR. Committee Chairperson 9/11/13 | | | | | | |
| MUNA BARNES, TINA ROSE Committee Vice Chairperson | | ✓ | | | | |
| SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member | | | | | | |
| RESPICIO, RORY J. Committee Member | | nr | nr | | | |
| ADA, THOMAS C. Committee Member | | ✓ | | | | |
| RODRIGUEZ, DENNIS G. JR. Committee Member | | | | | | |
| ADA, V. ANTHONY Committee Member | | ✓ | | | | |
| LIMTIACO, MICHAEL Committee Member | | ✓ | | | | |
| MORRISON, THOMAS Committee Member | | ✓ | | | | |



GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respiclo**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Lintiacio**
Committee Member

**Senator
Thomas Morrison**
Committee Member

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 146-32 (LS) was introduced on June 19, 2013, by Senator V. Anthony Ada, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on June 19, 2013.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a public hearing on Bill No. 146-32 (LS) on July 31, 2013 at 5:30PM in I Liheslatura's Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the July 31, 2013 hearing on July 24, 2013 (5-Day Notice), and again on July 29, 2013 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the July 31, 2013 hearing on July 24, 2013 and July 29, 2013.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Senator Michael F.Q. San Nicolas
Senator V. Anthony Ada
Senator Brant McCreadie
Senator Thomas Morrison

Appearing Before the Committee

Albert Silos
Robert Gallinari
Roary Tenorio
Luis Martinez
Lee Webber

The public hearing was Called-to-Order at 6:38 PM.

II. SUMMARY OF TESTIMONY & DISCUSSION

Senator Frank B. Aguon, Jr.

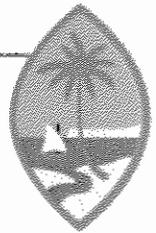
Ladies & Gentlemen, we are going to proceed to the next proposal which is Bill Number 146-32 (LS) which is relative to the Castle Doctrine. If I can ask the sponsor of the legislation Senator Tony Ada to please provide some brief comments and then we can proceed with the testimony. In the meantime, Senator Ada if you don't mind, I would like to invite the following individuals Mr. Albert Silos, Mr. Basil O'Mallan, Mr. Lee Webber, Mr. Tenorio – if in fact you are going to provide testimony, please join us up front. Mr. Stan Ko, Mr. Gallinari – I have 2 Lee Webbers, so we have Lee Webber II, and Lee Webber.



COMMITTEE ON

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Ok and then I will go ahead and call the other individuals once we're done with this initial list of individuals. So once again if I can invite Mr. Silos, Basil O'Mallan, Lee Webber II, Mr. Tenorio, Stan Ko, Lee Webber, and R.C. Gallinari. To join us up front, thank you very much. And Senator Tony Ada, you have the floor.

Senator V. Anthony Ada

Thank you Mr. Chair. Mr. Chair what Bill 146-32 is an act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine. And as you know 46, out of the 50 states, have what legal historians have called, have termed, the Castle Doctrine Law or the Stand Your Ground Laws. And Castle Doctrine, or the defense of habitation law, is a legal doctrine that designates a person's abode as in a place where that person has certain protections and immunities permitting him or her in certain circumstances to use force to defend against an intruder. Free from legal responsibility, prosecution for the consequences of the force used. Not too long ago, a prominent attorney told this committee that criminals don't commit the crimes because they fear the law. They commit the crimes because they believe that they can get away with it. We can punish the perpetrators of crimes with fines and incarcerations, nothing however can undo the scars of brutal assault, the shame of rape, or the life of a loved one who was murdered. This bill would give our people a fighting chance. This bill would put an end to treating those who defend themselves and their homes as criminals. Thank you Mr. Chair.

Senator Frank B. Aguon, Jr.

Thank you very much Senator Ada, gentlemen if I could ask you to ensure that your red light is on, on your microphones and identify yourselves for the record as you provide your testimony. Mr. Silos?

Albert Silos

My name is Albert Silos. I am a concerned citizen, and a longtime resident of Guam. I am in favor of this bill, I support it ardently. I have my notes on corrections that have to be made (technical difficulty, no audio available for 38 seconds) ... Line 17, number 2, "a person who uses force as permitted in section 32-302". The way I read this, I think this 32-302 would refer to 37-302. Aside from those, I would not take too long in my testimony. I strongly support the bill and other colleagues that will be testifying will have more information that they will provide. We are grateful for the people who have put this thing together and if they need any help from our group, I think you are familiar with our group, we would be willing to come in, sit down with the Senators and offer any help that we can give. Thank you for your patron.

Senator Frank B. Aguon, Jr.

Thank you Mr. Silos and I apologize for the mispronunciation of your name. Mr. Gallinari, please?

Robert Gallinari

Robert Gallinari. Senator Ada I would like to thank you for your leadership in this. I have been studying these various state laws and I've just now had a chance to take a look at Guam's tonight. And I'm 100% in favor, the 1 thing that I would mention to folks that may be a little uncertain about this is absolutely clear and one of the recent big trials we've had in the United States prove this or showed it very clearly and that is, this law does not change in any way the existing laws as far as liabilities or anything like that. What I'm getting at is there is still the responsibility to act according to the laws. This is a further protection. This does not allow, it does not allow us to go outside of the existing laws. This is a big concern with a lot of people that do not understand, and it was made a big deal about stand your ground. It almost sounded like, some folks were making it sound like it's a license to shoot someone and a get out of



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jail free card. 100% is not that. And what I see in, actually what I see in the Guam proposal here, is very clear, very understandable language. So I just wanted to make that comment, I'm a 100% for it, I've studied it for many years. A lot of states. But that's my big concern is that people misunderstand what this law means and so there may be an educational process that has to go on also. Anyway, thank you senator for even bringing this up in the first place. I'm glad to see that we're proposing it and looking at it seriously.

Senator Frank B. Aguon, Jr.

Thank you Mr. Gallinari. Mr. Tenorio? Chief?

Roary Tenorio

Gentlemen, good evening. I just wanted to make a couple of comments about this law. It strikes me such, in that, I felt my voice, a voice of our constituents here on the island needed to be heard in regards to this. The best thing I see in this is without fear of prosecution or civil action, from acting in defense of themselves and others.

Human nature is such that when we're threatened, it's either fight or flight. That's in our genetic makeup. There's no way to avoid it, there's no need to avoid it. There's been a rash of home invasions on the island. There's been a rash of people out in public being attacked. For whatever reason, nobody really knows. There are victims. We've had cases recently in our own local history. Victims being marginalized after the fact. I feel that this law is going to help empower our constituency. Our citizenry. To the point where they will no longer be in fear of the after effects. This law is going to help protect us from being unduly arrested because of procedural intent. Because just to be arrested is going to have an economic impact on them. They may lose their jobs just because they were arrested regardless of whether they're exonerated later on. The exoneration process can take very long, that's going to continue the suffering that they're going to have to continue to go through. And these are events that they're going to have to experience as a victim, not a perpetrator.

I feel this law is going to help restore some of our basic rights as citizens of this nation and this island community. It's a good law, it's a good start. And again, like anything in life, until you take that first step to start a process to correct inefficiencies, deficiencies, and inequities, then it's just going to remain the status quo. At the rate things are going, it cannot remain at the status quo because the status quo is becoming something that this island is not known for. This nation is not known for. And that is ability to live in freedom. Freedom not meaning tyrannical power or anything like that but just freedom to live. I wholeheartedly, as an individual, as a citizen of the united states and as a resident of guam, support this law. It's going to empower me, it's going to empower our other citizens and it's going to protect us in a manner in which we are not currently protected. In a manner in which we cannot rely on our police forces to protect us. The police force, their job is to enforce existing laws. This will correct one of the things that may be an obstacle to them enforcing law. Someone invades someone's house, everybody gets arrested – the perpetrator as well as the victim. That's an inequity, we need to correct that. This law is the beginning of the process to correct that. To re-establish our freedoms.

So again, as the gentlemen said, this is not a free license to kill people. He mentioned the word gun. It doesn't matter if it's a gun. You come into my house I have brass table lamps, I have kitchen utensils, I have pencils, I have pens, and I have what God gave me which is my hands and more importantly my mind. If my family is endangered, I will use anything and everything that god gave me if necessary to survive because that's what this is coming down to, our survival. We cannot always rely on someone to protect us from the dangers in this world, and believe me there are a lot of dangers out there in this world. There are a lot walking our streets. So again this is a good law. What I will exhort



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this legislative committee to do then is to fulfill the commitment you made to your constituents. To act as our representatives. To hear our voice and pursue those things that we say we would like to have in our life. We don't ask for much, but we ask for the freedom to live in a society free of fear, free of tyranny, free of inequity. And so again, I support this law. It's not complete, and like most laws it can be modified over time as the situation dictates. As we see where its fallacies are, where its strong points and its weak points are, we can adjust accordingly. But I applaud you for at least taking this first step to begin the process. So gentlemen, I thank you and I appreciate that fact that you've offered me the time and to hear my voice. Thank you.

Senator Frank B. Aguon, Jr.

Thank you very much Chief Tenorio.

Basil O'Mallan, Chief Prosecutor, Office of the Attorney General

Good Evening Mr. Chair. My name is Basil O'Mallan and I am the Chief Prosecutor. I'm here on behalf of the Office of the Attorney General. On the outset, I would like to say we do support the Castle Doctrine at the same time we are careful like Mr. Gallinari, we don't support vigilante-ism but we believe in an individual's right to protect his home and to protect his family. And so we support the bill for that reason. There are technical changes that need to be made. I don't want to belabor because it is a late hour. I would like an opportunity to appear at mark-up. Like Mr. Silos talked about, there are some numbering problems and some typos that need to be cleaned up. I would just like to be part of the mark-up. Thank you.

Senator Frank B. Aguon, Jr.

Thank you very much Mr. O'Mallan and please extend our appreciation for representing the Office of the Attorney General. Thank you gentlemen for your comments. Senator Tony?

Senator V. Anthony Ada

Mr. O'Mallan – when we were making the changes it didn't save onto it so there are technical amendments that need to be corrected, but once we do have the mark-up we will be sure to invite you to it. Thank you, thank you for your support.

Senator Frank B. Aguon, Jr.

Thank you very much Senators. Any questions or comments? If not, thank you again gentlemen for your testimony this evening. I believe there is one more individual in the audience, Mr. Martinez? If you would like to provide your comments. If there's anybody else in the audience who would like to provide comments, please join us up front. Other than that, I'd like to obviously on behalf of the sponsor, thank everyone else who has signed in and expressed your support for this particular measure and I know a number of you are not providing comments. Mr. Martinez and then Mr. Webber.

Luis Martinez

Thank you Senators for the opportunity to speak in support of the bill before us for consideration. I am in support of it. I'd like to offer a few technical comments that I believe are important to make sure that the actual wording of the bill coincides with what I understand the spirit of the bill to be. That I believe although technical go beyond just plain numbering, I'll do this very quickly.

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On page 2, I recommend that whenever the word “defensive” occurs on line 6, 15, and 21 – that the word defensive be omitted. For 2 reasons.

Number 1: I don't see where the word defensive is defined in any way. I'm not sure if that word is defined anywhere else in law. I would offer that the word defensive produces possible ambiguity to the otherwise spirit of the law from the standpoint that possibly a stance could be taken that after the fact, at the time that the homeowner was defending him or herself, the person who forceably or unlawfully entered was not necessarily attacking them at that precise moment. Such that arguably the action of the homeowner was offensive but not defensive. I offer that by removing the word defensive we eliminate that possible ambiguity.

Point number 2: I find it interesting that when we look at the first condition for the presumption of reasonable fear to occur as is written on line 9 and 10 that there's a possible change that occurs in what seems to be written. It says that the person against whom the, I'm going to use the word force, was used, was in the process of unlawfully and forcefully entering – notice the word “and”. Then it says “or had unlawfully or forcefully entered”. I noticed that the change of words are very important. I noticed at the point of entry, 2 standards have to be met. It has to be both unlawful and forceful. After the entry has occurred, the standard lowers to either unlawful or forceful. I offer that for the homeowner to try, even if they understood this law, make a point, a decision at what second does it become either “unlawful or forceful” and at what second before that is it both “unlawful or forceful”. That respectfully the legislature needs to make a decision in both cases, it's either “and” for both or “or” for both, because if it's not, we run into a problem of what point in time does what clause apply. I would take that same argument for line 16 where interestingly it does say “unlawful and forceful entry”. Again if we hold to the “and” on line 16, that takes away the power of the “or” on line 10. I think you see what I'm getting it. That if we reconcile the ands and the ors, that we again remove possible ambiguity.

Point number 3: I struggle with this one, because again it's the spirit of the law versus wording of the law. When we look at the wording on line 15 that says the person who uses force knew or had reason to believe, I struggle a lot with why that wording is even in there. The law seems to imply that if somebody's in my home, unlawfully or forcefully, or unlawfully and forcefully depending on what decision the legislation makes. That the presumption of believing that I had the right to use force is already there. So with all due respect to the legislature, are we saying that the homeowner has to prove that they had reason to believe that something unlawful or forceful was going down when they see the stranger in their home. Again, it seems that we are introducing a condition possibly unnecessary because the spirit of the law implies that the presumption is there so why do we bring up the issue of whether or not I believed it. The idea is, and again we go back to the “and” or “or”. And interestingly the “and” or “or” problem repeats itself on line 16 where for entry it has to be “unlawful and forceable” but in the next part for act, it only has to be again its “unlawful and forceable”. So given the “ands” that we have on line 16, that seems to be a higher standard than the or on line 10. So again if we reconcile these things, it makes the spirit of the law clear.

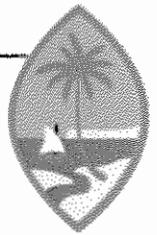
I hope that helps in terms of coming up with a tight law given the sensitivity of what might happen with this if a homeowner actually uses it. Thank you for the consideration of these comments.

Senator Frank B. Aguon, Jr.

Thank you very much Mr. Martinez, Mr. Webber?

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**Lee Webber**

Thank you, good evening Senators, thanks for the opportunity to come before you. I'd like to thank the Senators that proposed this bill, I think I made it clear in my column what I felt about it so I don't think I have to go into that. I did call the Senator's office and ask you to consider adding small businesses or businesses into this.

We've had a rash of small business in particular who have been robbed, people who have been pistol whipped, people who have had gunshots fired at the roof of their business. And I think they have just as much right to defend themselves as homeowners do because they're on private property. I would just encourage you to add that into the bill in some way shape or form. Otherwise I thank you, as others have said, for your courage to put this bill forward. I know it's not an easy thing to do and I know a lot of people can misunderstand it. I think it's a good bill and I think it deserves the attention of the legislation, I think it deserves passage. We all have the right to live in peace. And I think this encourages more the ability to live in peace by letting people know that they could place themselves in harm's way if they choose to violate that. Thank you very much.

Senator Frank B. Aguon, Jr.

Thank you very much Mr. Webber. Just so that, because you alluded to your column, did you want us to incorporate that into your testimony this evening?

Lee Webber

Sure – you can incorporate the column as part of my testimony. Please do.

Senator Frank B. Aguon, Jr.

Only because you alluded to it so obviously it would reflect your perspective. Any questions or comments from the panel members? Senator Tony Ada?

Senator V. Anthony Ada

Thank you Mr. Chair. I'd just like to thank the public for publicly coming out and testifying on the castle doctrine bill and also for their bill on the technical corrections and also bringing up the issue of having businesses included on that. And that was something we were looking at when we were originally drafting this piece of legislation and we wanted to first and foremost protect our homes and our families and this is something that we can probably further discuss in the mark-up session with the committee and see whether we can put the, whether the small business owners and the small businesses, and what kind of a thing.

Matter of fact, if I can ask Mr. O'Mallan to come back up to the front here, in dealing with the small business owners and those that come into a small business, the law that we or the bill as introduced, if we were to incorporate small businesses along with this bill, would the concerns of employees and those that are also in the place of business, how far do we extend it or do we just keep it to the small business owner and in the business itself. Do you understand?

Basil O'Mallan, Chief Prosecutor, Office of the Attorney General

Yes I do Senator. For the first part, part of that is already addressed in your sub paragraph, it's on page 3, sub paragraph 3. Someone who is in the place where they have a right to be there can defend themselves. One of the things I was going to talk about in mark-up is clarification, which was brought up earlier by another individual. Clarification about some of the definitions. You just need to expand some of the definitions. The definitions that are contained in bill 146 – it would be better if we resort to definitions that are already in the Guam Code because they



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encompass a lot of the stuff, especially what Mr. Webber was talking about. So that's one of the things I was going to mention, we can try to do in a mark-up session, to clean it up, tweak it.

Senator V. Anthony Ada

And that way we can go ahead and include the small business owner and the small businesses into the bill.

Basil O'Mallan, Chief Prosecutor, Office of the Attorney General

That's correct.

Senator V. Anthony Ada

Thank you Mr. Chair. I'd like to thank my co-sponsors for bringing this bill forward. I think it's something that we'll need here. Times have changed, people change, and I hope that our homes will be greater protected by our own families. Like they said, you can't always call the police, the police can't always be there. And when you've got a gun pointed to your head, calling 911 ain't going to help. So with that said, Mr. Chair I'd like to thank you for hearing this bill and hopefully we'll be able to get it, if not onto the budget session, than on our next regular session. Thank you Mr. Chair.

Senator Frank B. Aguon, Jr.

Just a quick follow-up because I know the question with regards to small businesses, you had shared that perhaps the definition or the wording here would incorporate them. Now my question would be to Mr. Webber, would you recommend that small business not only be defined but be incorporated into the legislation or should we go off of Mr. O'Mallan's statement in that it may already be covered.

Lee Webber

Mr. O'Mallan's the attorney, I'm not. I know the section he's alluding to and I think he's correct. I think if it's tweaked it covers the fact that small businesses are there. You have people who are patrons in small business who much like people on the street, who may see someone be in a position where their life or the life of their loved ones are being threatened and that person can, under this law, if I'm mistaken Basil please correct me, can intervene at that point and help those people and protect them. And if they were in a store that same thing would apply.

Basil O'Mallan, Chief Prosecutor, Office of the Attorney General

It appears that way yes

Senator Frank B. Aguon, Jr.

Also one of the reasons why I asked the question is because obviously in legislation, in law, sometimes if in fact it's explicitly stated in that particular provision then perhaps the small business owner would feel a little bit more comfortable about defending himself or herself or anyone in their establishment so that's why I had to ask that question rather than taking it for granted and saying Castle Doctrine is only applicable to homes and not necessarily spreading that message that it's applicable to other establishments as long as you're defending yourself against force. So I appreciate your comments and your testimony this evening gentlemen and senator ada we will work very aggressively based on your request to see how quickly we can get this on the floor. Thank you very much.

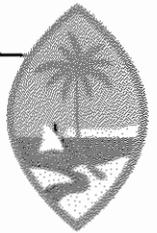
The public hearing was adjourned at 8:20 PM.



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III. FINDINGS & RECOMMENDATIONS

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 143-32 (COR) by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation TO PASS.

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

Bill No. 146 (29)

Introduced by:

V. Anthony Ada

Brant T. McCreadie

F. B. Aguon, Jr.

F. B. Aguon, Jr.

AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF
9GCA RELATIVE TO CASTLE DOCTRINE.

FILED
FEB 11 2013
FBI 12: 28

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2
3 Section 1. A new Article 3 is *added* to Chapter 37 of 9GCA to read as follows:

4
5 " Article 3

6 Castle Doctrine Act

7
8 §37.301. **Legislative Findings Intent.** *I Liheslaturan Guåhan* finds that it is proper
9 for law-abiding people to protect themselves, their families, and others from intruders
10 and attackers without fear of prosecution or civil action from acting in defense of the
11 themselves and others; and

12 *I Liheslatura* further finds the "Castle Doctrine" is a common-law doctrine of
13 ancient origins that declares that a person's home is his or her castle; and

14 *I Liheslatura* further finds the persons residing in or visiting Guam have a right
15 to remain unmolested within their homes or vehicles; and

16 *It is the intent of I Liheslatura* that no person or victim of crime should be
17 required to surrender his or her personal safety to a criminal, nor should a person or
18 victim be required to needlessly retreat in the face of intrusion or attack.

1
2 **§37.202. Home Protection, Use of Deadly Force, Presumption of Fear of Death or**
3 **Harm**
4

5 (1) A person is presumed to have held a reasonable fear of imminent peril of death or
6 great bodily harm to himself or herself or another when using defensive force that is
7 intended or likely to cause death or great bodily harm to another if:

8
9 (a) The person against whom the defensive force was used was in the process of
10 unlawfully and forcefully entering, or had unlawfully or forcefully entered, a
11 dwelling, residence, or occupied vehicle, or if that person had removed or was
12 attempting to remove another against that person's will from the dwelling,
13 residence, or occupied vehicle; and

14
15 (b) The person who uses defensive force knew or had reason to believe that an
16 unlawful and forcible entry or unlawful and forcible act was occurring or had
17 occurred.

18
19 (2) The presumption set forth in Subsection (1) does not apply if:

20
21 (a) The person against whom the defensive force is used has the right to be in or
22 is a lawful resident of the dwelling residence, or vehicle, such as an owner,
23 lessee, or titleholder, and there is not an injunction for protection from domestic
24 violence or a written pretrial supervision order of no contact against that person;
25 or

26

1 (b) The person or persons sought to be removed is a child, grandchild, or is
2 otherwise in the lawful custody or under the lawful guardianship of, the person
3 against whom the defensive force is used; or
4

5 (c) The person who uses defensive force is engaged in a criminal activity or is
6 using the dwelling, residence, or occupied vehicle to further a criminal activity;
7 or
8

9 (d) The person against whom defensive force is used is a law enforcement
10 officer, as defined in [insert appropriate reference to state/commonwealth code,
11 which defines the term "law enforcement officer" or similar], who enters or
12 attempts to enter a dwelling, residence, or vehicle in the performance of his or
13 her official duties and the officer identified himself or herself in accordance with
14 applicable law, or the person using force knew or reasonably should have known
15 that the person entering or attempting to enter was a law enforcement officer.
16

17 (3) A person who is not engaged in an unlawful activity and who is attacked in any
18 other place where he or she has a right to be has no duty to retreat and has the right to
19 stand his or her ground and meet force with force, including deadly force if he or she
20 reasonably believes it is necessary to do so to prevent death or great bodily harm to
21 himself or herself or another, or to prevent the commission of a forcible felony.
22

23 (4) A person who unlawfully and by force enters or attempts to enter a person's
24 dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to
25 commit an unlawful act involving force or violence.
26

27 (5) As used in this section, the term:
28

1 (a)“Dwelling” means a building or conveyance of any kind, including any
2 attached porch, whether the building or conveyance is temporary or permanent,
3 mobile or immobile, which has a roof over it, including a tent, and is designed to
4 be occupied by people lodging therein at night.

5
6 (b) “Residence” means a dwelling in which a person resides either temporarily
7 or permanently or is visiting as an invited guest.

8
9 (c) “Vehicle” means a conveyance of any kind, whether or not motorized, which
10 is designed to transport people or property.

11
12 **§37.303. Immunity from Criminal Prosecution and Civil Action**

13
14 (1) As used in this subsection, the term “criminal prosecution” includes arresting,
15 detaining in custody, and charging or prosecuting the defendant.

16
17 (2) A person who uses force as permitted in §32302 of this Article is justified in using
18 such force and is immune from criminal prosecution and civil action for the use of
19 such force, except when:

20
21 (a) The person against whom force was used is a law enforcement officer as
22 defined by Public Law, who was acting in the performance of his or her duties
23 and the officer identified himself or herself in accordance with applicable law;
24 or

25
26 (b) The person using force knew or reasonably should have known that the
27 person was a law enforcement officer.

1 (3) A law enforcement agency may use standard procedures for investigating the use of
2 force as described in subsection (2), but the agency may not arrest the person for using
3 force unless it determines that there is probable cause that the force that was used was
4 unlawful.

5
6 (4) The court shall award reasonable attorney's fees, court costs, compensation for loss
7 of income, and all expenses incurred by the defendant in defense of any civil action
8 brought by a plaintiff if the court finds that the defendant is immune from prosecution
9 as provided in subsection (2).

10

11 **§37.304. Severability.** If any provision of this Act or its application to any person or
12 circumstance is found to be invalid or contrary to law, such invalidity *shall* not affect
13 other provisions or application of this Act which can be given effect without the
14 invalid provisions or application, and to this end the provisions of this Act are
15 severable."

Page 3

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

Bill No. 146 (LS)

As amended by the Committee on
US Military Relocation, Homeland Security,
Veteran's Affairs and Judiciary

Introduced by:

V. Anthony Ada
Brant T. McCreadie
F. B. Aguon, Jr.
R. J. Respicio

**AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF
9GCA RELATIVE TO CASTLE DOCTRINE.**

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

2

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

4

5

" Article 3

6

Castle Doctrine Act

7

8 **§37.301. Legislative Findings Intent.** *I Liheslaturan Guåhan* finds that it is proper
9 for law-abiding people to protect themselves, their families, and others from intruders
10 and attackers without fear of prosecution or civil action from acting in defense of the
11 themselves and others; and

12 *I Liheslatura* further finds the "Castle Doctrine" is a common-law doctrine of
13 ancient origins that declares that a person's home is his or her castle; and

14 *I Liheslatura* further finds the persons residing in or visiting Guam have a right
15 to remain unmolested within their homes or vehicles; and

1 *It is the intent of I Liheslatura* that no person or victim of crime should be
2 required to surrender his or her personal safety to a criminal, nor should a person or
3 victim be required to needlessly retreat in the face of intrusion or attack.

4

5 **§37.202 302. Home Protection, Use of Deadly Force, Presumption of Fear of**
6 **Death or Harm**

7

8 (1) A person is presumed to have held a reasonable fear of imminent peril of death or
9 ~~great serious~~ bodily harm injury to himself or herself or another when using defensive
10 force that is intended or likely to cause death or ~~great serious~~ bodily harm injury to
11 another if:

12

13 (a) The person against whom the defensive force was used was in the process of
14 unlawfully and forcefully entering, or had unlawfully or forcefully entered, a
15 ~~dwelling~~ habitable property, residence, or occupied vehicle, or if that person had
16 removed or was attempting to remove another against that person's will from the
17 ~~dwelling~~ habitable property, residence, or occupied vehicle; and

18

19 (b) The person who uses defensive force knew or had reason to believe that an
20 unlawful and forcible entry or unlawful and forcible act was occurring or had
21 occurred.

22

23 (2) The presumption set forth in Subsection (1) does not apply if:

24

25 (a) The person against whom the defensive force is used has the right to be in or
26 is a lawful resident of the ~~dwelling~~ habitable property residence, or vehicle, such
27 as an owner, lessee, or titleholder, and there is not an injunction for protection

1 from domestic violence or a written pretrial supervision order of no contact
2 against that person; or

3
4 (b) The person or persons sought to be removed is a child, grandchild, or is
5 otherwise in the lawful custody or under the lawful guardianship of, the person
6 against whom the defensive force is used; or

7
8 (c) The person who uses defensive force is engaged in a criminal activity or is
9 using the ~~dwelling~~ habitable property, residence, or occupied vehicle to further a
10 criminal activity; or

11
12 (d) The person against whom defensive force is used is a uniformed law
13 enforcement officer, ~~as defined in [insert appropriate reference to~~
14 ~~state/commonwealth code, which defines the term “law enforcement officer” or~~
15 ~~similar]~~, who enters or attempts to enter a ~~dwelling~~ habitable property,
16 residence, or vehicle in the performance of his or her official duties and the
17 officer identified himself or herself in accordance with applicable law, or the
18 person using force knew or reasonably should have known that the person
19 entering or attempting to enter was a law enforcement officer.

20
21 (3) A person who is not engaged in an unlawful activity and who is attacked in any
22 other place where he or she has a right to be has no duty to retreat and has the right to
23 stand his or her ground and meet force with force, including deadly force if he or she
24 reasonably believes it is necessary to do so to prevent death or ~~great~~ serious bodily
25 ~~harm~~ injury to himself or herself or another, or to prevent the commission of a ~~forcible~~
26 ~~felony~~ crime of violence.

1 (4) A person who unlawfully and by force enters or attempts to enter a person's
2 ~~dwelling habitable property~~, residence, or occupied vehicle is presumed to be doing so
3 with the intent to commit an unlawful act involving force or violence.
4

5 (5) As used in this section, the term:
6

7 (a) ~~"Dwelling Habitable Property" means a building or conveyance of any kind,~~
8 ~~including any attached porch, whether the building or conveyance is temporary or~~
9 ~~permanent, mobile or immobile, which has a roof over it, including a tent, and is~~
10 ~~designed to be occupied by people lodging therein at night~~ Habitable Property has the
11 meaning provided by §34.10 and includes any such property whether or not a person is
12 actually present therein.
13

14 (b) "Residence" as used in this Chapter, means a ~~dwelling habitable property~~ in
15 which a person resides either temporarily or permanently or is visiting as an
16 invited guest.
17

18 (c) "Vehicle" ~~means a conveyance of any kind, whether or not motorized, which~~
19 ~~is designed to transport people or property~~ is defined by §1102 and §5101 of
20 16GCA.
21

22 (d) "Defensive force" refers to the force used by a lawful occupant of habitable
23 property or a vehicle in defense of self, other persons, or property, as permitted
24 by Chapter 7 of 9GCA, *except* for the obligation of a lawful occupant to retreat.
25
26

27 **§37.303. Immunity from Criminal Prosecution and Civil Action**
28

1 (1) As used in this subsection, the term “criminal prosecution” includes arresting,
2 detaining in custody, and charging or prosecuting the defendant.

3
4 (2) A person who uses force as permitted in §32302 of this Article is justified in using
5 such force and is immune from criminal prosecution and civil action for the use of
6 such force, except when:

7
8 (a) The person against whom force was used is a law enforcement officer as
9 defined by Public Law, who was acting in the performance of his or her duties
10 and the officer identified himself or herself in accordance with applicable law;
11 or

12
13 (b) The person using force knew or reasonably should have known that the
14 person was a law enforcement officer.

15
16 (3) A law enforcement agency may use standard procedures for investigating the use of
17 force as described in subsection (2), but the agency may not arrest the person for using
18 force unless it determines that there is probable cause that the force that was used was
19 unlawful.

20
21 (4) The court shall award reasonable attorney’s fees, court costs, compensation for loss
22 of income, and all expenses incurred by the defendant in defense of any civil action
23 brought by a plaintiff if the court finds that the defendant is immune from prosecution
24 as provided in subsection (2).

25
26 **§37.304. Severability.** If any provision of this Act or its application to any person or
27 circumstance is found to be invalid or contrary to law, such invalidity *shall* not affect

1 other provisions or application of this Act which can be given effect without the
2 invalid provisions or application, and to this end the provisions of this Act are
3 severable."

4

5 **Section 2.** Paragraph (A) of Section 7.86(b)(2) is *amended* to read as follows:

6 "(A) the defendant is not obliged to retreat from his dwelling, ~~or~~ place of work or
7 vehicle, unless she was the initial aggressor or is assailed in his place of work by
8 another person whose place of work the defendant knows it to be; and"

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND
SECURITY & JUDICIARY**

I Mina'Trentai Dos na Liheslaturan Guahan | 32nd Guam Legislature



**SENATOR FRANK B. AGUON, JR
CHAIRMAN**

Wednesday, July 31, 2013 at 5:30PM

Bill No. 146-32 (LS) – An Act to Add a New Article 3, to Chapter 37 of 9GCA Relative to Castle Doctrine.

| NAME (Please Print) | Agency/Organization | Contact Number | Oral Testimony | Written Testimony | In Favor | Not In Favor |
|--------------------------|---------------------|----------------|-------------------|----------------------|-------------|-----------------|
| ✓ ALBERT SILOS | SSSF | 727-6660 | | | ✓ | |
| ✓ Basil O'Malley | AG | | ✓ | | ✓ | |
| LEE WEBBER II | | 4874243 | | | ✓ | |
| ✓ ROANG TENORIO | | 653-3817 | ✓ | | ✓ | |
| SPANY, KO | | 637-6758 | ✓ | | ✓ | |
| Leo Wabhor | | 4825210 | | | ✓ | |
| ✓ RC Gallinari | | 678 2599 | ✓ | | ✓ | |
| | | | | | | |

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND
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Bill No. 146-32 (LS) – An Act to Add a New Article 3, to Chapter 37 of 9GCA Relative to Castle Doctrine.

| NAME (Please Print) | Agency/Organization | Contact Number | Oral Testimony | Written Testimony | In Favor | Not In Favor |
|--------------------------|---------------------|----------------|-------------------|----------------------|-------------|-----------------|
| Daniel DeFina's | individual | 787-2582 | | | ✓ | |
| Jason Young | | 645-7059 | | | ✓ | |
| JOHN J BARLAN | IND/PBUS. OWNER | 687-4869 | | | ✓ | |
| STEVEN CRUZ | IMP/POS | 488-3026 | | | ✓ | |
| Anthony Calvo | | 929-2871 | | | ✓ | |
| LUIS MARTINEZ | SELF | 4724263 | ✓ | | ✓ | |
| | | | | | | |
| | | | | | | |



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
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Frank Blas Aguon, Jr.
Member

Senator
Michael E.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

July 19, 2013

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTE:

Bill Nos. 106-32(LS), 123-32(LS), 127-32(LS), and 146-32(LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 JUL 19 AM 11:13
[Signature]

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR

JUL 19 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 106-32(LS), 123-32(LS), 127-32(LS), and 146-32(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 146-32(LS)**

AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9GCA RELATIVE TO CASTLE DOCTRINE.

| Department/Agency Appropriation Information | |
|---|--|
| Dept./Agency Affected: Judiciary of Guam | Dept./Agency Head: F. Philip Carbullido, Chief Justice |
| Department's General Fund (GF) appropriation(s) to date: | 23,564,558 |
| Department's Other Fund (Specify) appropriation(s) to date: | 145,000 |
| Total Department/Agency Appropriation(s) to date: | \$23,709,558 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---------------|-------------------------|------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2012 Unreserved Fund Balance | | \$0 | \$0 |
| FY 2013 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2013 Appro. (P.L. 31-233) | \$0 | \$0 | \$0 |
| Sub-total: | \$0 | \$0 | \$0 |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | \$0 | \$0 | \$0 |

| Estimated Fiscal Impact of Bill | | | | | | |
|---------------------------------|----------------------|--|------------|------------|------------|------------|
| | One Full Fiscal Year | For Remainder of FY 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No*
/ / Requested agency comments not received as of the due date / / Other:

*Due to other budgetary priorities and impending deadline, unable to coordinate with affected agency.

JUL 19 2013

9/1/13

Analyst: Dina P. Rivera Date: 8/25/13 Director: John A. Rios Date: _____

Footnotes:
See attached comments.

COMMENTS TO BILL 146-32(COR)**BILL NO. 146-32 IS AN ACT TO ADD A NEW ARTICLE 3 TO
CHAPTER 37 OF 9 GCA RELATIVE TO CASTLE DOCTRINE.**

The Bill could pose a potential cost to the Courts in cases when the court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (2) of the Bill. This cost impact is not determined at this time.



COMMITTEE ON RULES

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Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

June 19, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 146-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 146-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|--------------------|---|---|----------------------|---------------|---|---------------------|-----------------------------|--------------|
| 146-32 (LS) | V. A. Ada, Brant T. McCreddie, F.B. Aguon. Jr. R.J. Respicio | AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9GCA RELATIVE TO CASTLE DOCTRINE. | 6/19/13 12:28p.m. | 6/19/13 | Committee on the Guam U.S. Military Relocation, homeland Security, Veteran's Affairs, and Judiciary | | | |



FIRST NOTICE: Public Hearing at 5:30PM on WEDNESDAY, July 31, 2013

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Wed, Jul 24, 2013 at 10:11 AM

To: phnotice@guamlegislature.org

Bcc: Kelly.Toves@mail.house.gov, breanna.lai@mail.house.gov

MEMORANDUM

TO: All Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: FIRST NOTICE of **Public Hearing** on Wednesday, July 31, 2013 at 5:30PM

Buenas yan Haia Adai!

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary has scheduled a public hearing starting at 5:30PM, Wednesday, July 31, 2013, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Resolution No. 186-32 (COR) As Introduced** - Relative to respectfully requesting President Barack Obama, Department of Defense Secretary ChuckHagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) system and a Patriot Missile Defense System on Guam for the protection of Guam and the Commonwealth of the Northern Mariana Islands (CNMI), the neighboring islands throughout Micronesia, and the Asia Pacific region.
- **Bill No. 134-32 (COR) - **2nd Public Hearing**** - An act relative to recognizing the Office of Veterans Affairs as the official local agency for establishing and maintaining the "Guam Veterans Registry" which shall be utilized for enumerating the population of veterans on Guam, and for the use of such information for increasing or acquiring necessary healthcare and other relevant services to benefit veterans and their families; through adding a new §67110 to Chapter 67, Title 10, Guam Code Annotated.
- **Bill No. 135-32 (COR) - **2nd Public Hearing**** - An act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the eventual establishment of the "Sengsong Beteranun Guahan - Guam Veterans Village", which shall serve as a one-stop veterans services center; and for other purposes; through the repeal and re-enactment §67107 of Chapter 67, Title 10, Guam Code Annotated.

- **Bill No. 143-32 (COR)** - An act relative to extending the applicability of the waiver of driver's license fees for veterans to include all classes and endorsements; through amending §3102.1 of Chapter 3, Article 1, Title 16, Guam Code Annotated.

- **Bill No. 146-32 (LS)** - An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *Liheslaturan Guåhan*'s website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Yvette Cruz at 475-GUM1/2 (4861/2) or via email to admin@frankaguonjr.com.

Si Yu'os Ma'ase!

Cc: Clerks
MIS
Sgt-at-Arms

--

Thanks!

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

Office of Senator Frank B. Aguon, Jr.

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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 **AIISen_Memo.pdf**
476K



Fw: Fwd: SBill 146 draft

e.winston ilicito <ewinstoni@yahoo.com>
Reply-To: "e.winston ilicito" <ewinstoni@yahoo.com>
To: epifanio winston ilicito <ewmilicito@gmail.com>

Thu, Sep 19, 2013 at 9:51 AM

----- Forwarded Message -----

From: "Office of Senator Frank Aguon, Jr. Admin" <admin@frankaguonjr.com>
To: e.winston ilicito <ewinstoni@yahoo.com>
Sent: Thursday, September 19, 2013 9:34 AM
Subject: Fwd: SBill 146 draft

Winston,

Here is the email trail for Bill 146-32.

Thanks,
Yvette

----- Forwarded message -----

From: Office of Senator Frank Aguon, Jr. Admin <admin@frankaguorjr.com>
Date: Wed, Sep 4, 2013 at 9:08 AM
Subject: Re: SBill 146 draft
To: "Edward G. Lee" <ed@tonyada.com>
Cc: Basil O'Mallan <bomallan@guamag.org>

Got it - thanks for sending so quickly Ed!

Thanks,
Yvette

On Tue, Sep 3, 2013 at 4:42 PM, Edward G. Lee <ed@tonyada.com> wrote:

Basil's change is noted! See the attached latest version of the bill. Please note the changes on Page 4 line 22 and the amendment to S7.86(b)(2)(A) of 9GCA added on the last page. I believe that these changes reconcile the castle doctrine provisions with the existing self-defense provisions of current law.

On Tue, Sep 3, 2013 at 12:28 PM, Office of Senator Frank Aguon, Jr. Admin

<admin@frankaguonjr.com> wrote:

Ed, Basil,

Just updating the both of you with a change that the Committee Chair (Sen, Aguon) is proposing.

Page 3, Line 13 - rather than law enforcement peace officer, '*unformed law enforcement officer*' is being proposed. This change will exclude non-uniformed peace officers (ie. Village Mayors).

Let me know your thoughts and kindly send me any additional changes you may have since our last communication.

I've attached the updated sub version for your review.

Thanks,
Yvette

On Thu, Aug 8, 2013 at 4:14 PM, Office of Senator Frank Aguon, Jr. Admin

<admin@frankaguonjr.com> wrote:

Ed,
Confirming receipt.

Upon finalizing all changes, you may forward the substitute bill to this email.

Thanks for meeting today gentlemen!

Thanks,
Yvette

On Thu, Aug 8, 2013 at 11:43 AM, Edward G. Lee <ed@tonyada.com> wrote:

--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

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aguon4guam@gmail.com | www.frankaguonjr.com

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--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910

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--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

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--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

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**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

July 23, 2013

MEMORANDUM

TO: All Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: FIRST NOTICE of **Public Hearing** on Wednesday, July 31, 2013 at 5:30PM

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 5:30PM, Wednesday, July 31, 2013, at *I Liheslaturan Guahan's* Public Hearing Room in Hagåtña, on the following:

- **Res. No. 186-32 (COR)**- Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) and a Patriot Missile Defense System on Guam for the protection of Guam, CNMI, and the neighboring islands throughout Micronesia, and the Asia-Pacific region.
- **Bill No. 134-32 (COR)** – An Act relative to recognizing the Office of Veterans Affairs as the official local agency for establishing and maintaining the “Guam Veterans Registry” for information purposes and for enumerating the population of veterans of Guam.
- **Bill No. 135-32 (COR)** – An Act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the establishment of the “SENGSONG BETERANUN GUAHAN – GUAM VETERANS VILLAGE” which shall serve as a One-Stop Veterans Service Center.
- **Bill No. 143-32 (COR)** - An Act relative to extending the Applicability of the Waiver of Driver's License Fees for Veterans.
- **Bill No. 146-32 (COR)** – An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine. **LS**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, jr., or via fax to 475-GUM3(4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahan's* website at www.guamlegislature.com. Individuals requiring special accommodations or service, please contact Yvette Cruz at 475-GUM1/2 or via email to admin@frankaguonjr.com.

Si Yu'os Ma'ase!

cc: Clerks
MIS
Sgt.-at-Arms

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respcio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

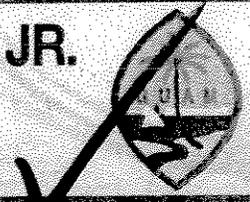
WEDNESDAY, JULY 24, 2013 - MARIANAS VARIETY GUAM EDITION



OFFICE OF SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam US Military Relocation,
Homeland Security, Veterans Affairs and Judiciary

Mina Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature



PUBLIC HEARING

WEDNESDAY, JULY 31, 2013 | 5:30PM

Bill No. 134-32 (COR) - **2nd Public Hearing** - An act relative to recognizing the Office of Veterans Affairs as the official local agency for establishing and maintaining the "Guam Veterans Registry" which shall be utilized for enumerating the population of veterans on Guam, and for the use of such information for increasing or acquiring necessary healthcare and other relevant services to benefit veterans and their families; through adding a new 567110 to Chapter 67, Title 10, Guam Code Annotated.

Bill No. 135-32 (COR) - **2nd Public Hearing** - An act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the eventual establishment of the "Sengsong Beteranun Guahan - Guam Veterans Village", which shall serve as a one-stop veterans services center; and for other purposes; through the repeal and re-enactment 567107 of Chapter 67, Title 10, Guam Code Annotated.

Bill No. 143-32 (COR) - An act relative to extending the applicability of the waiver of driver's license fees for veterans to include all classes and endorsements; through amending 53102.1 of Chapter 3, Article 1, Title 16, Guam Code Annotated.

Bill No. 146-32 (LS) - An act to add a new Article 3 to Chapter 57 of 90CA relative to Castle Doctrine.

Resolution No. 186-32 (COR) As Introduced - Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) system and a Patriot Missile Defense System on Guam for the protection of Guam and the Commonwealth of the Northern Mariana Islands (CNMI), the neighboring islands throughout Micronesia, and the Asia Pacific region.

The public hearing will be broadcasted on MCV Channel 13 or GUDTV Channel 21. If you require any special accommodations, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2) or e-mail committee@frankaguonjr.com. **This ad paid for with government funds**



SECOND NOTICE OF PUBLIC HEARING: Wednesday, July 31, 2013 at 5:30PM

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Mon, Jul 29, 2013 at 10:39 AM

To: phnotice@guamlegislature.org

Bcc: Kelly.Toves@mail.house.gov, breanna.lai@mail.house.gov

July 29, 2013

MEMORANDUM

TO: All Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: SECOND NOTICE of **Public Hearing** on Wednesday, July 31, 2013 at 5:30PM

Buenas yan Hala Adai!

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary has scheduled a public hearing starting at 5:30PM, Wednesday, July 31, 2013, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 134-32 (COR)** – An act relative to recognizing the Office of Veterans Affairs as the official local agency for establishing and maintaining the "Guam Veterans Registry" which shall be utilized for enumerating the population of veterans on Guam, and for the use of such information for increasing or acquiring necessary healthcare and other relevant services to benefit veterans and their families; through adding a new §67110 to Chapter 67, Title 10, Guam Code Annotated.
- **Bill No. 135-32 (COR)** – An act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the eventual establishment of the "Sengsong Beteranun Guahan - Guam Veterans Village", which shall serve as a one-stop veterans services center; and for other purposes; through the repeal and re-enactment §67107 of Chapter 67, Title 10, Guam Code Annotated.
- **Bill No. 143-32 (COR)** - An act relative to extending the applicability of the waiver of driver's license

fees for veterans to include all classes and endorsements; through amending §3102.1 of Chapter 3, Article 1, Title 16, Guam Code Annotated.

- **Bill No. 146-32 (LS)** – An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine.
- **Res. No. 186-32 (COR)**- Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) and a Patriot Missile Defense System on Guam for the protection of Guam, CNMI, and the neighboring islands throughout Micronesia, and the Asia-Pacific region.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Yvette Cruz at 475-GUM1/2 (4861/2) or via email to admin@frankaguonjr.com.

Si Yu'os Ma'ase!

Cc: *Clerks | MIS | Sgt-at-Arms*

--

Thanks!

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

Office of Senator Frank B. Aguon, Jr.

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

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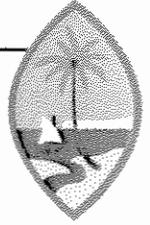
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GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



Senator
FRANK B. AGUON, JR.
Committee Chairperson

Senator
Tina Muna-Barnes
Committee Vice Chairperson

Speaker
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July 29, 2013

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FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary
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- **Bill No. 135-32 (COR)** – An act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the eventual establishment of the "Sengsong Beteranun Guahan - Guam Veterans Village", which shall serve as a one-stop veterans services center; and for other purposes; through the repeal and re-enactment §67107 of Chapter 67, Title 10, Guam Code Annotated.
- **Bill No. 143-32 (COR)** - An act relative to extending the applicability of the waiver of driver's license fees for veterans to include all classes and endorsements; through amending §3102.1 of Chapter 3, Article 1, Title 16, Guam Code Annotated.
- **Bill No. 146-32 (LS)** – An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine.
- **Res. No. 186-32 (COR)**- Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) and a Patriot Missile Defense System on Guam for the protection of Guam, CNMI, and the neighboring islands throughout Micronesia, and the Asia-Pacific region.

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Si Yu'os Ma'ase!

Cc: Clerks | MIS | Sgt-at-Arms

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OFFICE OF SENATOR FRANK B. AGUON, JR.

*Chairman, Committee on Guam US Military Relocation,
Homeland Security, Veterans Affairs and Judiciary*

Mina Trental Dos Na Liheslaturan Guahan | 32nd Guam Legislature



PUBLIC HEARING
WEDNESDAY, JULY 31, 2013 | 5:30PM

Bill No. 134-32 (COR) - **2nd Public Hearing** - An act relative to recognizing the Office of Veterans Affairs as the official local agency for establishing and maintaining the "Guam Veterans Registry" which shall be utilized for enumerating the population of veterans on Guam, and for the use of such information for increasing or acquiring necessary healthcare and other relevant services to benefit veterans and their families; through adding a new 567110 to Chapter 67, Title 10, Guam Code Annotated.

Bill No. 135-32 (COR) - **2nd Public Hearing** - An act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the eventual establishment of the "Sengsong Beteranun Guahan - Guam Veterans Village", which shall serve as a one-stop veterans services center; and for other purposes; through the repeal and re-enactment 567107 of Chapter 67, Title 10, Guam Code Annotated.

Bill No. 143-32 (COR) - An act relative to extending the applicability of the waiver of driver's license fees for veterans to include all classes and endorsements; through amending 53102.1 of Chapter 3, Article 1, Title 10, Guam Code Annotated.

Bill No. 146-32 (LS) - An act to add a new Article 3 to Chapter 11 of DCCA relative to Castle Doctrine.

Resolution No. 196-32 (CDR) As Introduced - Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) system and a Patriot Missile Defense System on Guam for the protection of Guam and the Commonwealth of the Northern Mariana Islands (CNMI), the neighboring islands throughout Micronesia, and the Asia Pacific region.

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As of August 27, 2013**

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As of August 27, 2013**

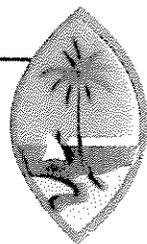
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**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



July 23, 2013

**The Honorable Edward J. Calvo
Governor of Guam**

513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910

Sent via email to governor@guam.gov

RE: Public Hearing Scheduled for Wednesday, July 31, 2013 at 5:30PM

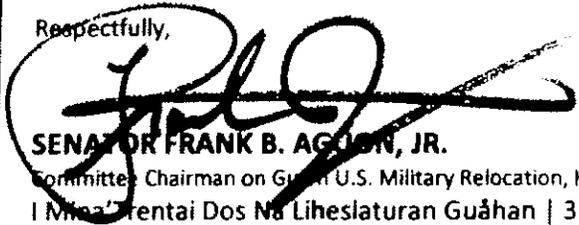
Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Wednesday, July 31, 2013 beginning at 5:30PM. Included on the agenda are the following:

- **Res. No. 186-32 (COR)**- Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) and a Patriot Missile Defense System on Guam for the protection of Guam, CNMI, and the neighboring islands throughout Micronesia, and the Asia-Pacific region.
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- **Bill No. 143-32 (COR)** - An Act relative to extending the Applicability of the Waiver of Driver's License Fees for Veterans.
- **Bill No. 146-32 (COR)** – An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine. **LS**

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. Also, if you have any concerns in regards to this invitation, please contact me or my office via phone 475-GUM1/2 (4861/2) or email to aguon4guam@gmail.com.

Respectfully,



SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

cc: Lieutenant Governor Raymond Tenorio

Joy Unpingco
Elaine Gogue
Rose Ramsey

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
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**Senator
Michael Limtiaco**
Committee Member

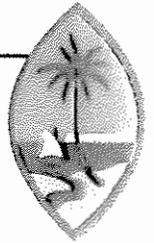
**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I Mina'Trentai Dos Na Liheslaturan Guáhan | 32ND GUAM LEGISLATURE



July 23, 2013

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
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**Senator
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Committee Member

**Senator
Thomas Morrison**
Committee Member

**The Honorable Madeleine Z. Bordallo
Guam Delegate**

120 Father Duenas Avenue
Suite 107

Hagåtña, Guam 96910

Sent via email to Cecilia.Blas@mail.house.gv

RE: Public Hearing Scheduled for Wednesday, July 31, 2013 at 5:30PM

Buenas yan Hafa Adai!

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Respectfully,

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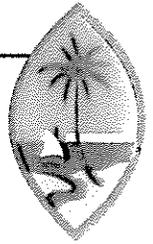
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina Trentai Dos Na Liheslaturan Guáhan | 32nd Guam Legislature



COMMITTEE ON

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I Mina'Trentai Dos Na Liheslaturan Guáhan | 32ND GUAM LEGISLATURE



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**Senator
Thomas Morrison**
Committee Member

**The Honorable F. Philip Carbullido
Chief Justice of the Judiciary of Guam**

Suite 300, Guam Judicial Ctr.

120 West O' Brien Drive

Hagåtña, Guam 96910

Sent via email to fpcarbullido@quamsupremecourt.com

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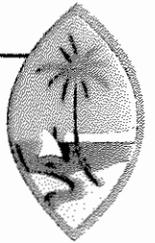
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July 23, 2013

Ambrose Constantino
Advisor, Guam Homeland Security
2218 Chalan Palasyo
Agaña Heights, Guam 96910
Sent via email to ambrosio.constantino@qhs.guam.gov

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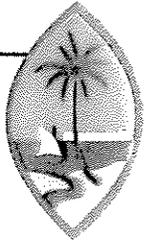
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July 23, 2013

James T. McDonald
Office of Civil Defense Administrator
221B Chalan Palasyo
Agana Heights, Guam
Sent via email to jim.mcdonald@qhs.quam.gov

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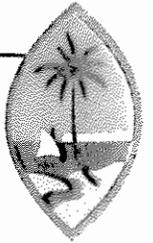
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July 23, 2013

The Honorable John Unpingco, Esq.
Administrator, Office of Veterans Affairs
172 S. Marine Corp Dr. Asan
P.O. Box 5178

Hagåtña, Guam 96932

Sent via email to john.unpingco@qvaa.guam.gov

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July 23, 2013

Mr. Mark Calvo

Special Assistant to Governor on Military Buildup & Infrastructure

513 West Marine Corps Drive

Ricardo J. Bordallo Complex

Hagåtña, Guam 96910

Sent via email to mark.calvo@guam.gov

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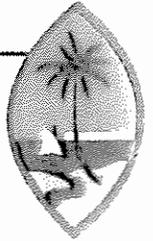
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**Attorney General Leonardo G. Rapadas
Office of the Attorney General**

287 W. O'Brien Drive
Hagátña, Guam 96910

Sent via email to law@guamaq.org

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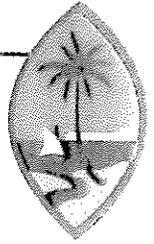
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July 23, 2013

Eric D. Miller
Public Defender Service Corporation
MVP Sinajana Commercial Bldg.,
Unit B 779 Route 4
Sinajana, Guam 96910
Sent via email to emiller@quampdsc.net

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Pedro Leon Guerrero
Guam Customs & Quarantine Agency
770 East Sunset Boulevard Airport Rd.
AB Won Pat, Guam 96913
Sent via email to pedro.leonquerrero@cqa.guam.gov

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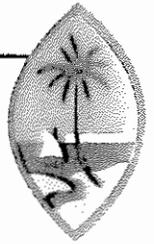
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Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

July 23, 2013

Colonel Raffaele J.M. Sgambelluri
Chief of Guam Customs and Quarantine Agency

770 East Sunset Boulevard Airport Rd.

AB Won Pat, Guam 96913

Sent via email to Raffaele.sgambelluri@cqa.guam.gov

RE: Public Hearing Scheduled for Wednesday, July 31, 2013 at 5:30PM

Buenas yan Hafa Adai

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Wednesday, July 31, 2013 beginning at 5:30PM. Included on the agenda are the following:

- **Res. No. 186-32 (COR)**- Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) and a Patriot Missile Defense System on Guam for the protection of Guam, CNMI, and the neighboring islands throughout Micronesia, and the Asia-Pacific region.
- **Bill No. 134-32 (COR)** – An Act relative to recognizing the Office of Veterans Affairs as the official local agency for establishing and maintaining the "Guam Veterans Registry" for information purposes and for enumerating the population of veterans of Guam.
- **Bill No. 135-32 (COR)** – An Act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the establishment of the "SENGSONG BETERANUN GUÁHAN – GUAM VETERANS VILLAGE" which shall serve as a One-Stop Veterans Service Center.
- **Bill No. 143-32 (COR)** - An Act relative to extending the Applicability of the Waiver of Driver's License Fees for Veterans.
- **Bill No. 146-32 (COR)** – An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine. **LS**

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. Also, if you have any concerns in regards to this invitation, please contact me or my office via phone 475-GUM1/2 (4861/2) or email to aguon4guam@gmail.com.

Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary

I MINA'Trentai Dos Na Liheslaturan Guáhan | 32nd Guam Legislature

Castle Doctrine law to help fight crime, S

By Frank Whitman
frank@mvguam.com
Variety News Staff

IN THE wake of recent high-profile crimes, citizens of Guam can be encouraged knowing that legislation has been introduced to ensure their right to defend their home, vehicle and business without fear of legal consequences.

Sen. Tony Ada yesterday spoke to the Rotary Club of Northern Guam about Bill 146-32, which he introduced in June. The bill is currently in committee where the revisions seek to include businesses, along with home and vehicle, in the Castle Doctrine being formulated with the advice of the Attorney General and the chief prosecutor.

Ada enumerated instances in the U.S. mainland in which individuals defending themselves in their homes were treated as though they were guilty.

"I firmly believe that anyone whose family's safety is threatened by a home invader should be able to use force to defend them, without fear of being arrested themselves or being sued by a perpetrator," Ada told the Rotarians during their luncheon at the Hyatt Regency Guam.

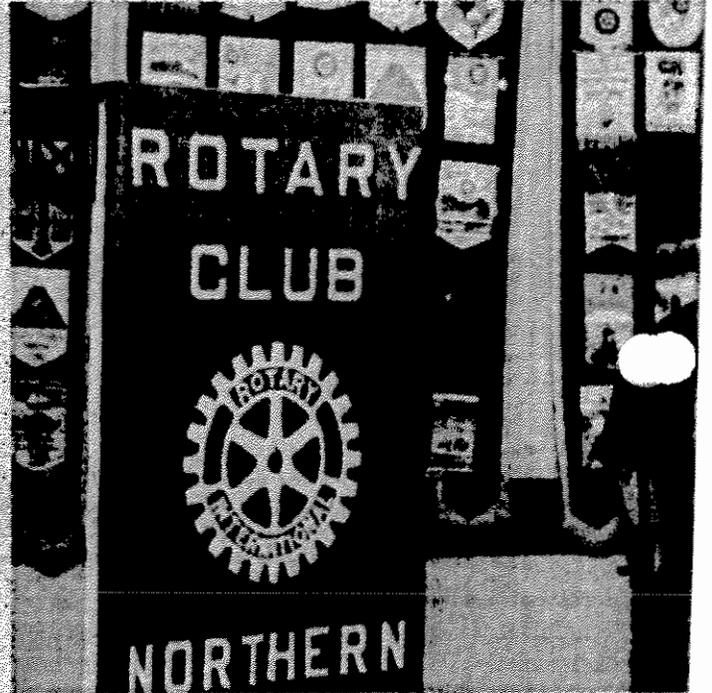
Under current law, if residents come across a burglar or trespasser in their residence, their first duty is to try to get away, he said. "We need to start getting tough on crime," Ada said. "We need to start protecting our families."

He said Bill 146 does not permit vigilante justice. "This bill will not allow people to shoot people trespassing in their yards or those who are attempting to flee," he said. "This law is also not unique in that 46 states have enacted Castle Doctrine laws, 'stand your ground' or both."

imposes a mandatory minimum 10-year sentence on those found guilty of it.

"Before we had the home invasion law, if you were home watching TV and someone broke into your home, they would only be charged with burglary," he said. "Now, that's home invasion - that is a minimum of 10 years behind bars. And Mr. John Doe that's waiting out in the car, John Doe gets 10 years too."

Both the home invasion legislation and the Castle Doctrine are different from the high-profile "stand your ground" legislation which gives citizens the right to protect themselves wherever they are, without a duty to retreat. "We haven't gone that far," he said.



Sen. Tony Ada yesterday spoke to the Rotary Club of Northern Guam about one's home, vehicle and business without fear of legal consequences. Fr

Testimony backs castle doctrine

By Cameron Miculka

Pacific Daily News
cimiculka@guampdn.com

Six of Guam's senators heard arguments for the island's proposed castle doctrine, which proponents say would strengthen residents' rights to defend themselves using deadly force.

All those who testified at last night's hearing testified in favor of the proposal.

"I wholeheartedly support this bill," said Roary Tenorio.

Tenorio said the bill is a good response to what he called a "rash of home invasions" across Guam.

"If my family is endangered, I

will use anything and everything to survive," he told senators. "That's what this is coming down to."

Chief Prosecutor Basil O'Mallan, who represented the Office of the Attorney General at the hearing, said his office supports the intent of the bill, but said the bill needed some technical amendments.

However, he said, he would work closely with senators in an upcoming mark-up session to ensure the bill is logistically sound.

Lee Webber, a local business owner, also offered his support for the bill, but noted the exclusion of business workers and owners who use force to defend their shops from

criminals.

Sen. Tony Ada, R-Sinajana, who introduced the bill, supported Webber's remarks, saying the inclusion would be considered moving forward.

The proposal, Bill 146, would amend Guam law by allowing homeowners to use deadly force against anyone illegally entering their homes.

The law doesn't apply against law enforcement officials working in their official capacity or if the homeowner is using the residence to "further a criminal activity," according to the bill's text.

The person who uses force to protect his or her home also is immune

from prosecution and can't be sued in civil court as a result of using deadly force, according to the bill.

And while police can use "standard procedures" for investigating the use of force, they can't arrest the person unless they have reason to believe the force was illegal.

Another part of the bill would allow residents to "meet force with force" anywhere if they are attacked in any other space, and also permits deadly force, according to the bill.

That provision doesn't apply to anybody engaged in illegal activity.

The bill is co-sponsored by Sens. Brant McCreddie, Frank Aguon Jr. and Rory Respicio.

Bill that would establish 'Castle Doctrine' up for public comment

Written by Mark-Alexander Pieper Pacific Daily News
Jul. 31, 2013 |

guampdn.com



IF YOU GO

- The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hosts a 5:30 p.m. public hearing on Bill 146 and other bills.
- The hearing will be held in the Legislature's public hearing room in Hagåtña. For more information or accommodation, call 475-4861/2.

Island residents today can share their opinion on a bill that aims to establish a "Castle Doctrine" on Guam.

Bill 146 would allow a person attacked in his or her home to use reasonable force – including deadly force – to protect his or her life, family and property if there's reasonable fear of death or great bodily harm.

It essentially affords a homeowner protection from prosecution for using defensive force that, in severe cases, could lead to justifiable homicide.

The bill is based on the premise that a people's homes are their castles, and they're entitled to protect them, their family and property from intruders, Sen. Tony Ada, the bill's author said.

Ada has said recent high-profile home-invasion cases prompted him to write the legislation.

Ada did not return messages for comment yesterday.

About 45 states in the United States have forms of castle laws on their books, according to the Bill of Rights Institute.

Safety: 'Castle Doctrine' bill makes sense, should be passed into law

Jun. 24, 2013 12:55 AM |

guampdn.com

In the wake of recent, high-profile home invasion cases in our community, a bill introduced last week by Sen. Tony Ada makes a lot of sense.

Bill 146 would establish a "Castle Doctrine" in Guam, which would allow a person attacked in his or her home to use reasonable force -- including deadly force -- to protect his or her life, family and property if there's reasonable fear of death or great bodily harm.

It's based on the premise that a man's home is his castle, and he's entitled to protect his home, family and property from intruders.

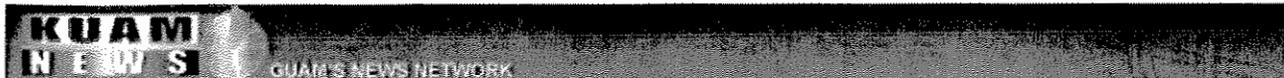
The measure would only be applicable when someone is trying to unlawfully or forcibly enter an occupied residence or vehicle; it wouldn't apply to instances in which officers of the law are acting in the course of their legal duties. If it's passed into law, Guam would join 45 other states with similar legislation.

Residents should be able to feel safe when they're in their homes. If that safety is threatened in any way, they should be able to take reasonable steps, up to and including the use of deadly force, to protect that safety without fear of being prosecuted for their actions.

A Castle Doctrine law also would send a strong message to criminals that if they decide to break into someone's home, they could be putting their own lives at risk.

"Our people must no longer be hesitant to protect themselves and their families for fear that they will be prosecuted for doing so and criminals must no longer believe that they can break into someone's home with impunity," said Sen. Rory Respicio, one of the bill's co-sponsors.

In the interest of the public safety of our community, Bill 146 should be passed into law.



Bill 146 would allow "castle doctrine/stand your ground" type law

Posted: Jun 19, 2013 4:45 PM

Updated: Jun 19, 2013 4:45 PM

by Ken Quintanilla

GUAM - Keeping with efforts to protect ones home and family, Senator Tony Ada has introduced legislation establishing a castle doctrine law on Guam.

Bill 146 would allow the use of defensive force when there is reasonable fear of death or great bodily harm upon an occupant of a home or vehicle by an intruder. The bill would provide certain protections, freedom from legal responsbilty and prosecution for those who use such defensive force typical of castle doctrine laws in other jurisdictions. Currently 45 states have either adopted a castle doctrine or stand your ground laws.

Bill 146 is co-sponsored by senators Brant McCreadle, Frank Aguon Jr. and Rory Respicio.

worldnow

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VIDEO: Senator Tony Ada's "Castle Doctrine" Bill Would Allow Homeowners to Use "Defensive Force" Against Threatening Intruders

Last Updated on Thursday, 20 June 2013 20:34

Written by Kevin Kerrigan

Wednesday, 19 June 2013 15:05

Guam News - Guam News

Guam - Senator Tony Ada has introduced a measure that would authorize a home owner to use deadly force if threatened by an intruder who entered his home or automobile.

Senator Ada says Bill #146 would allow the use of defensive force when there is reasonable fear of death or great bodily harm upon an occupant of a home or vehicle by an intruder. The Senator is calling his measure the "Castle Doctrine Bill."

READ Bill #146 [HERE](#)

The Castle Doctrine is a long held western legal concept which holds that a person's home is his castle and that a homeowner is entitled to protect his property from intruders.

The measure would provide certain protections from prosecution for homeowners who use such defensive force against an intruder.

The Senator says all residents of Guam have the Constitutional right to protect their homes and their families. Bill #146 is co-sponsored by Senators Brandt McCreadie, Frank Aguon, Jr., and Rory Respicio.

Bill #146 is co-sponsored by Senators Brandt McCreadie, Frank Aguon, Jr., and Rory Respicio.

READ the release from Senator Tony Ada below:

News Release

June 19, 2013

Senator Tony Ada Introduces Castle Doctrine Bill

On the heels of the Legislature sending Senator Tony Ada's Home Invasion bill to the voting file today, Senator Ada continues his crime fighting efforts by introducing Bill No. 146-32(LS) which would establish a Castle Doctrine law on Guam.

Commenting on the need for a Castle Doctrine law on Guam, Senator Tony Ada believes "all residents of Guam have the Constitutional right to protect their homes and their families."

Based on the long-held premise that a man's home is his castle and that he is entitled to protect his home, family and property from intruders, Bill No. 146-32(LS) would allow the use of defensive force when there is reasonable fear of death or great bodily harm upon an occupant of a home or vehicle by an intruder. The bill would provide certain protections, freedom from legal responsibility and prosecution for those who use such defensive force, typical of castle Doctrine laws in other jurisdictions.

If Bill No. 146-32(LS) becomes law, Guam will join 45 states that have adopted either Castle Doctrine or Stand Your Ground laws.

Bill No. 146-32(LS) is cosponsored by Senators Brandt McCreadie, Frank Aguon, Jr., and Rory Respicio who agree that the bill would provide an added deterrent to burglaries and home invasions on Guam.

"During a June 13th, 2013 public hearing, a prominent defense attorney told the legislature that people don't commit crimes because they are afraid of the law, they commit crimes because they think that they can get away with it. If this bill becomes law, then many crooks will know that it won't be easy to get away with it anymore," Senator McCreadie says.

Senator Aguon emphasizes, "Home safety is paramount. Our people must be able to protect their homes."

"Our people must no longer be hesitant to protect themselves and their families for fear that they will be prosecuted for doing so and criminals must no longer believe that they can break into someone's home with impunity," Senator Respicio adds.

pical conditions that apply to some Castle Doctrine laws include:

- * An intruder must be making (or have made) an attempt to unlawfully or forcibly enter an occupied residence or vehicle.*
- * The intruder must be acting unlawfully (the Castle Doctrine does not allow a right to use force against officers of the law, acting in the course of their legal duties).*
- * The occupant(s) of the home must reasonably believe the intruder intends to inflict serious bodily harm or death upon an occupant of the home. Some states apply the Castle Doctrine if the occupant(s) of the home reasonably believe the intruder intends to commit a lesser felony such as arson or burglary.*
- * The occupant(s) of the home must not have provoked or instigated an intrusion; or, provoked/instigated an intruder's threat or use of deadly force.*

In all cases, the occupant(s) of the home: must be there legally; must not be fugitives from the law, themselves, or, aiding/abetting other fugitives; and, must not use force upon an officer of the law performing a legal duty. Stand Your Ground laws differ slightly from Castle Doctrine laws in that no duty to retreat, regardless of where attack takes place not just in the home.

A Castle Doctrine (also known as a Castle Law or a Defense of Habitation Law) is an American legal doctrine that designates a person's abode as a place in which that person has certain protections and immunities permitting them to, in certain circumstances, use force to defend against an intruder—free from legal responsibility/prosecution for the consequences of the force used.

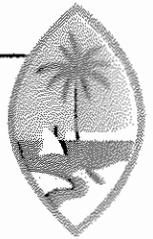
[< Prev](#)

[Next >](#)



**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Resplicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Lmtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

PUBLIC HEARING

July 31, 2013, Wednesday at 5:30PM

I Liheslaturan Guahan's Public Hearing Room, Hagatna

AGENDA

- I. **Call to Order**
- II. **Opening remarks/Announcements**
- III. **Items for discussion:**
 - **Res. No. 186-32 (COR)**- Relative to respectfully requesting President Barack Obama, Department of Defense Secretary Chuck Hagel, and the United States Congress to permanently station a Terminal High Altitude Area Defense (THAAD) and a Patriot Missile Defense System on Guam for the protection of Guam, CNMI, and the neighboring islands throughout Micronesia, and the Asia-Pacific region.
 - **Bill No. 134-32 (COR)** – An Act relative to recognizing the Office of Veterans Affairs as the official local agency for establishing and maintaining the “Guam Veterans Registry” for information purposes and for enumerating the population of veterans of Guam.
 - **Bill No. 135-32 (COR)** – An Act relative to increasing the representation of the number of veterans serving on the Guam Veterans Commission, to initiate efforts toward the establishment of the “*SENGSONG BETERANUN GUÁHAN – GUAM VETERANS VILLAGE*” which shall serve as a One-Stop Veterans Service Center.
 - **Bill No. 143-32 (COR)** - An Act relative to extending the Applicability of the Waiver of Driver's License Fees for Veterans.
 - **Bill No. 146-32 (LS)** – An act to add a new Article 3 to Chapter 37 of 9GCA relative to Castle Doctrine.
- IV. **Closing Remarks**
- V. **Adjournment**



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 19, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Senator
Vicente (Ben) C. Pangelinan
Member

To: **Rennae Meno**
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Fiscal Notes**

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai!

Legislative Secretary
Tina Rose Muña Barnes
Member

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

2013 JUL 19 AM 11:13
[Signature]

Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTE:
Bill Nos. 106-32(LS), 123-32(LS), 127-32(LS), and 146-32(LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os ma'åse'!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JUL 19 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 106-32(LS), 123-32(LS), 127-32(LS), and 146-32(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 146-32(LS)**

AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9GCA RELATIVE TO CASTLE DOCTRINE.

| Department/Agency Appropriation Information | |
|---|--|
| Dept./Agency Affected: Judiciary of Guam | Dept./Agency Head: F. Philip Carbullido, Chief Justice |
| Department's General Fund (GF) appropriation(s) to date: | 23,564,558 |
| Department's Other Fund (Specify) appropriation(s) to date: | 145,000 |
| Total Department/Agency Appropriation(s) to date: | \$23,709,558 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---------------|-------------------------|------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2012 Unreserved Fund Balance ¹ | | \$0 | \$0 |
| FY 2013 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2013 Appro. (P.L. 31-233) | \$0 | \$0 | \$0 |
| Sub-total: | \$0 | \$0 | \$0 |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | \$0 | \$0 | \$0 |

| Estimated Fiscal Impact of Bill | | | | | | |
|---------------------------------|----------------------|--|------------|------------|------------|------------|
| | One Full Fiscal Year | For Remainder of FY 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No*
/ / Requested agency comments not received as of the due date / / Other:

*Due to other budgetary priorities and impending deadline, unable to coordinate with affected agency.

JUL 19 2013

8/7/13

Analyst: Dina P. Rivera Date: 8/25/13 Director: John A. Rios, Director Date: _____

Footnotes:
See attached comments.

COMMENTS TO BILL 146-32(COR)

**BILL NO. 146-32 IS AN ACT TO ADD A NEW ARTICLE 3 TO
CHAPTER 37 OF 9 GCA RELATIVE TO CASTLE DOCTRINE.**

The Bill could pose a potential cost to the Courts in cases when the court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (2) of the Bill. This cost impact is not determined at this time.



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Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

June 21, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 145 & 146(LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 JUN 21 PM 4:36

| Bill Nos. | Sponsor | Title |
|----------------|--|---|
| 145-32 (LS) | FRANK B. AGUON, JR. T. A. MORRISON T. C. ADA | AN ACT RELATIVE TO NAMING THE MALESSO PIER PARK THE "PLASAN BETERANON MANSENDALON MALESSO" (VETERAN SONS AND DAUGHTERS OF MALESSO PARK) IN HONOR AND SPECIAL RECOGNITION OF THE MEN AND WOMEN FROM MALESSO WHO HAVE SERVED IN THE U. S. ARMED FORCES, AND IN ACKNOWLEDGEMENT OF ALL GUAM VETERANS; THROUGH ADDING A NEW § 849.5.1 TO ARTICLE 1, CHAPTER 8, OF TITLE 1, GUAM CODE ANNOTATED. |
| 146-32(LS) | V. A. Ada, Brant T. McCreadie, F.B. Aguon, Jr. R.J. Respicio | AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9 GCA RELATIVE TO CASTLE DOCTRINE. |



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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

June 19, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill No. 146-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 146-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

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

Bill No. 146 (LS)

Introduced by:

V. Anthony Ada

Brant T. McCreadie

F. B. Aguon, Jr.

Respect to me

AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF
9GCA RELATIVE TO CASTLE DOCTRINE.

2013 JUN 19 PM 12:28
[Signature]

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2

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

4

5

6

7

8 **§37.301. Legislative Findings Intent.** *I Liheslaturan Guåhan* finds that it is proper
9 for law-abiding people to protect themselves, their families, and others from intruders
10 and attackers without fear of prosecution or civil action from acting in defense of the
11 themselves and others; and

12 *I Liheslatura* further finds the “Castle Doctrine” is a common-law doctrine of
13 ancient origins that declares that a person’s home is his or her castle; and

14 *I Liheslatura* further finds the persons residing in or visiting Guam have a right
15 to remain unmolested within their homes or vehicles; and

16 *It is the intent of I Liheslatura* that no person or victim of crime should be
17 required to surrender his or her personal safety to a criminal, nor should a person or
18 victim be required to needlessly retreat in the face of intrusion or attack.

1
2 **§37.202. Home Protection, Use of Deadly Force, Presumption of Fear of Death or**
3 **Harm**
4

5 (1) A person is presumed to have held a reasonable fear of imminent peril of death or
6 great bodily harm to himself or herself or another when using defensive force that is
7 intended or likely to cause death or great bodily harm to another if:
8

9 (a) The person against whom the defensive force was used was in the process of
10 unlawfully and forcefully entering, or had unlawfully or forcefully entered, a
11 dwelling, residence, or occupied vehicle, or if that person had removed or was
12 attempting to remove another against that person's will from the dwelling,
13 residence, or occupied vehicle; and
14

15 (b) The person who uses defensive force knew or had reason to believe that an
16 unlawful and forcible entry or unlawful and forcible act was occurring or had
17 occurred.
18

19 (2) The presumption set forth in Subsection (1) does not apply if:
20

21 (a) The person against whom the defensive force is used has the right to be in or
22 is a lawful resident of the dwelling residence, or vehicle, such as an owner,
23 lessee, or titleholder, and there is not an injunction for protection from domestic
24 violence or a written pretrial supervision order of no contact against that person;
25 or
26

1 (b) The person or persons sought to be removed is a child, grandchild, or is
2 otherwise in the lawful custody or under the lawful guardianship of, the person
3 against whom the defensive force is used; or
4

5 (c) The person who uses defensive force is engaged in a criminal activity or is
6 using the dwelling, residence, or occupied vehicle to further a criminal activity;
7 or
8

9 (d) The person against whom defensive force is used is a law enforcement
10 officer, as defined in [insert appropriate reference to state/commonwealth code,
11 which defines the term “law enforcement officer” or similar], who enters or
12 attempts to enter a dwelling, residence, or vehicle in the performance of his or
13 her official duties and the officer identified himself or herself in accordance with
14 applicable law, or the person using force knew or reasonably should have known
15 that the person entering or attempting to enter was a law enforcement officer.
16

17 (3) A person who is not engaged in an unlawful activity and who is attacked in any
18 other place where he or she has a right to be has no duty to retreat and has the right to
19 stand his or her ground and meet force with force, including deadly force if he or she
20 reasonably believes it is necessary to do so to prevent death or great bodily harm to
21 himself or herself or another, or to prevent the commission of a forcible felony.
22

23 (4) A person who unlawfully and by force enters or attempts to enter a person’s
24 dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to
25 commit an unlawful act involving force or violence.
26

27 (5) As used in this section, the term:
28

1 (a)“Dwelling” means a building or conveyance of any kind, including any
2 attached porch, whether the building or conveyance is temporary or permanent,
3 mobile or immobile, which has a roof over it, including a tent, and is designed to
4 be occupied by people lodging therein at night.

5
6 (b) “Residence” means a dwelling in which a person resides either temporarily
7 or permanently or is visiting as an invited guest.

8
9 (c) “Vehicle” means a conveyance of any kind, whether or not motorized, which
10 is designed to transport people or property.

11
12 **§37.303. Immunity from Criminal Prosecution and Civil Action**

13
14 (1) As used in this subsection, the term “criminal prosecution” includes arresting,
15 detaining in custody, and charging or prosecuting the defendant.

16
17 (2) A person who uses force as permitted in §32302 of this Article is justified in using
18 such force and is immune from criminal prosecution and civil action for the use of
19 such force, except when:

20
21 (a) The person against whom force was used is a law enforcement officer as
22 defined by Public Law, who was acting in the performance of his or her duties
23 and the officer identified himself or herself in accordance with applicable law;
24 or

25
26 (b) The person using force knew or reasonably should have known that the
27 person was a law enforcement officer.

1 (3) A law enforcement agency may use standard procedures for investigating the use of
2 force as described in subsection (2), but the agency may not arrest the person for using
3 force unless it determines that there is probable cause that the force that was used was
4 unlawful.

5
6 (4)The court shall award reasonable attorney's fees, court costs, compensation for loss
7 of income, and all expenses incurred by the defendant in defense of any civil action
8 brought by a plaintiff if the court finds that the defendant is immune from prosecution
9 as provided in subsection (2).

10

11 **§37.304. Severability.** If any provision of this Act or its application to any person or
12 circumstance is found to be invalid or contrary to law, such invalidity *shall* not affect
13 other provisions or application of this Act which can be given effect without the
14 invalid provisions or application, and to this end the provisions of this Act are
15 severable."