

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

Bill No. 243-37 (COR) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building July 10, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez					✓	✓
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

14

0

1

1

Aye

Nay

Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:

JOAQUIN P. TAITAGUE
Clerk of the Legislature

l = Pass

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*

Introduced by:

Dwayne T.D. San Nicolas
William A. Parkinson
Amanda L. Shelton
Joe S. San Agustin
Roy A. B. Quinata
Tina Rose Muña Barnes
Jesse A. Lujan
Chris Barnett
Frank Blas, Jr.
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Thomas J. Fisher
Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *ADD* A NEW § 11318 TO ARTICLE 3 OF
CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED,
RELATIVE TO REMOVING THE STATUTE OF
LIMITATIONS FOR FINANCIAL AND PROPERTY
EXPLOITATION OF AN ELDERLY PERSON OR
INDIVIDUAL WITH DISABILITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the financial exploitation of our *manåmko'* (the elderly) is a heinous crime that
4 should not have a statute of limitations because the physical and mental constitution

1 of the elderly victims severely impacts and hampers their ability to pursue justice,
2 and because the crime deprives the elderly victims of their living allowance and their
3 way of supporting themselves; akin to taking the livelihood of someone who is most
4 likely unable to make a living anymore. According to the National Council on Aging,
5 “Up to five million older Americans are abused every year, and the annual loss by
6 victims of financial abuse is estimated to be at least \$36.5 Billion Dollars.” The
7 number of exploited elderly is astounding and justifies the creation of legislation to
8 combat this issue. The Council also states that, in about sixty percent (60%) of
9 elderly abuse incidents, the perpetrator is a family member, usually the spouses or
10 the children of the victim, a fact that makes this issue a heinous one because these
11 perpetrators are trusted and relied on by the victims. The Council further states that,
12 “Social isolation and mental impairment (such as dementia or Alzheimer’s disease)
13 are two factors” that make the elderly vulnerable to abuse. The elderly with these
14 conditions are especially vulnerable to financial exploitation and abuse in general.
15 All of these findings by the National Council on Aging are astoundingly alarming,
16 something which our *manâmkos* need to be protected from by putting the law on
17 their side.

18 *I Liheslaturan Guåhan* also finds that the burden of protecting our *manâmkos*
19 from financial exploitation and abuse lies on the backs of our island’s legislators.
20 According to the article “Financial Abuse of the Elderly in Domestic Setting” by the
21 National Institutes of Health’s National Center for Biotechnology Information
22 (NCBI), “...elder abuse, like other domestic ills, has generally been considered a
23 state concern rather than a federal concern” and that, “the absence of federal law
24 pertaining to elder abuse has placed on the states the responsibility to define this
25 activity.” As a government entity that serves the people, *I Liheslaturan Guåhan*
26 needs to enact legislation that would protect and help our *manâmkos* find justice in
27 incidents of financial and elderly abuse.

1 Therefore, *I Liheslaturan Guåhan* intends to enact legislation that will remove
2 the statute of limitations in cases of elderly financial or property exploitation and
3 abuse. With this legislation in place, the elderly victims of financial or property
4 exploitation and abuse will be able to pursue justice without the added worry of a
5 deadline to file a lawsuit.

6 **Section 2.** A new § 11318 is hereby *added* to Article 3 of Chapter 11, Title
7 7, Guam Code Annotated, to read as follows:

8 “**§ 11318. No Time Limit for Financial or Property Exploitation of an**
9 **Elderly Person or Individual with Disability.**

10 Notwithstanding any other provision of law, any civil claim or claims arising
11 from an incident of financial or property exploitation of an elderly person or
12 individual with a disability as defined under Chapter 32 of Title 9, Guam Code
13 Annotated, may be commenced against a person, a legal entity, abusers, their
14 enablers, their aiders or abettors, those acting in concert with them, and their
15 institutions, at any time.”

16 **Section 3. Severability.** If any provision of this Act or its application to any
17 person or circumstance is found to be invalid or inorganic, such invalidity shall not
18 affect other provisions or applications of this Act that can be given effect without the
19 invalid provision or application, and to this end the provisions of this Act are
20 severable.

21 **Section 4. Effective Date.** This Act shall be effective upon enactment.