

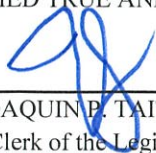
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session
VOTING RECORD

	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
Bill No. 39-37 (COR) As amended on the Floor.						
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

11	3			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

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 39-37 (COR)

As amended on the Floor.

*

Introduced by:

William A. Parkinson

AN ACT TO AMEND § 7.112(d), AND ADD NEW §§ 7.112(a)(3) AND 7.113(e), ALL OF ARTICLE 5, CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO BETTER EFFECTUATING THE INTENT OF GUAM'S CASTLE DOCTRINE ACT BY ELIMINATING THE DUTY TO RETREAT FROM THE CURTILAGE OF ONE'S RESIDENCE, AND TO ENHANCING JUDICIAL ECONOMY BY ADOPTING A PRETRIAL HEARING TO DETERMINE A DEFENDANT'S IMMUNITY FROM CRIMINAL PROSECUTION; AND TO CITE THIS ACT AS THE "CASTLE DOCTRINE REFORM ACT OF 2024."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act may be cited as the "*Castle Doctrine Reform Act of 2024*."

Section 2. A new Subsection (a)(3) is hereby *added* to § 7.112 of Article 5, Chapter 7, Title 9, Guam Code Annotated, to read as follows:

“(3) Provided that the property is enclosed or reasonable notice is placed upon the boundaries of the curtilage, that the property or residence is a no trespassing zone.”

Section 3. Subsection (d) of § 7.112 of Article 5, Chapter 7, Title 9, Guam Code Annotated, is hereby *amended* to read as follows:

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

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

5 Except when used in reference to a residence, habitable property
6 does not include yards or surrounding outdoor spaces. Nothing herein
7 is construed to limit the right of a victim to use defensive force in a
8 manner consistent with Chapter 7 of Title 9, GCA in areas outside of
9 his/her home, business, car or house boat;

10 (2) *Business* means habitable property that is lawfully used to
11 conduct commercial activity by duly licensed corporations, LLCs,
12 partnerships or sole proprietorships;

13 (3) *Residence* means a habitable property, to include the
14 curtilage of the residence, in which a person resides, either temporarily
15 or permanently, or is visiting as an invited guest, or any building or
16 other appurtenance within the curtilage of the residence such as an
17 outdoor kitchen or bathroom;

18 (4) *Vehicle* is defined in § 1102 and § 5101 of Title 16, GCA;

19 (5) *Curtilage* means the area immediately surrounding a
20 residence that is necessary, convenient and habitually used for family
21 purposes and for those activities associated with the sanctity of a
22 person's home;

23 (6) *Defensive Force* has the same meaning as self-defense as
24 used in Chapter 7 of Title 9, GCA, except that a lawful occupant of
25 habitable property has no duty or obligation to retreat.”

26 **Section 4.** A new Subsection (e) is *added* to § 7.113 of Article 5, Chapter 7,
27 Title 9, Guam Code Annotated, to read as follows:

1 “(e) In a criminal prosecution, once a prima facie claim of self-defense
2 immunity from criminal prosecution has been raised by the defendant at a pretrial
3 immunity hearing, the burden of proof by clear and convincing evidence is on the
4 party seeking to overcome the immunity from criminal prosecution provided in
5 Subsection (b) of this Section.”

6 **Section 5. Effective Date.** This Act shall be effective upon enactment.

7 **Section 6. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or inorganic, such invalidity shall not
9 affect other provisions or applications of this Act that can be given effect without
10 the invalid provision or application, and to this end the provisions of this Act are
11 severable.