



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

10 SEP 2007

SEP 11 2007 10:19:19

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 97(EC), "AN ACT TO AMEND SECTIONS 40105(b) AND 40101 OF CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FLEXIBILITY TO THE COURTS IN THE ISSUANCE OF PROTECTIVE ORDERS" which I signed into law on September 7, 2007 as Public Law 29-05.

Sinseru yan Magåhet,

Handwritten signature of Felix P. Camacho

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

cc: The Honorable Ray Tenorio
Senator and Legislative Secretary



29-07-0830
Office of the Speaker
MARK FORBES
Date: 9.10.07
Time: 4:48 pm
Rec'd by: SRS
Print Name: Gene Pantor

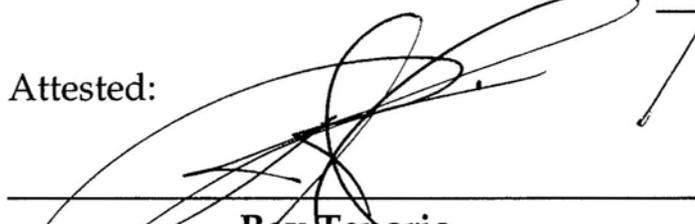
0830

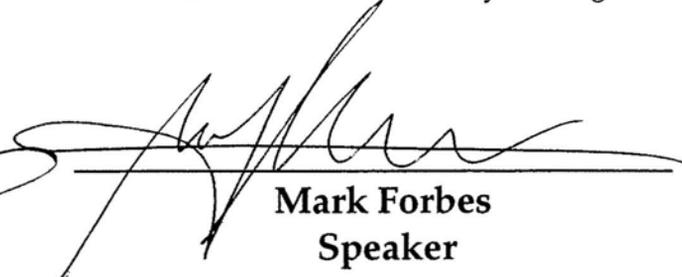
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 97 (LS), "AN ACT TO AMEND SECTIONS 40105(b) AND 40101 OF CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FLEXIBILITY TO THE COURTS IN THE ISSUANCE OF PROTECTIVE ORDERS," was on the 23<sup>rd</sup> day of August 2007, duly and regularly passed.

Attested:

  
\_\_\_\_\_  
Ray Tenorio  
Senator and Secretary of the Legislature

  
\_\_\_\_\_  
Mark Forbes  
Speaker

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This Act was received by I Maga'lahaen Guåhan this 27<sup>th</sup> day of Aug, 2007, at 2:25 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

  
\_\_\_\_\_  
FELIX P. CAMACHO  
I Maga'lahaen Guåhan

Date: 9/7/07

Public Law No. 29-05

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2007 (FIRST) Regular Session**

**Bill No. 97 (LS)**

As substituted by the Committee on  
Judiciary, Natural Resources, Infrastructure  
and Cultural Affairs and amended.

Introduced by:

James V. Espaldon  
J. T. Won Pat  
Tina Rose Muña Barnes  
Judith Paulette Guthertz  
Frank T. Ishizaki  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
Mark Forbes  
J. A. Lujan  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
David L.G. Shimizu  
Ray Tenorio  
A. R. Unpingco

**AN ACT TO *AMEND* SECTIONS 40105(b) AND 40101 OF  
CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED,  
RELATIVE TO PROVIDING FLEXIBILITY TO THE COURTS  
IN THE ISSUANCE OF PROTECTIVE ORDERS.**

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

**Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that since the enactment of the Public Law 22-160, the Family Violence Act of 1994, and Public Law 24-239, the Family Violence Act of 1998, there are statutes that restrict the duration of protective orders to one (1) year. Because of this limitation, victims and legal practitioners have hesitated to take advantage of the provisions provided for the victim's protections from abuse, instead opting to use the common law

1 route of injunctive relief. *I Liheslaturan Guåhan* finds that it is in the best interest  
2 of victims and their families that judges be given flexibility regarding the  
3 appropriate duration for protective orders, using their discretion to fix a duration  
4 that will adequately protect the victim based on all relevant circumstances.

5 **Section 2.** §40105(b) of Chapter 40, Title 7 Guam Code Annotated is  
6 hereby *amended* to read as follows:

7 “(b) Any protection order *or* approved consent agreement may be  
8 permanent *or* for a fixed period of time as the Court deems appropriate.  
9 The Court may amend its order *or* agreement at any time upon subsequent  
10 petition *or* motion filed by either party provided that appropriate and timely  
11 notice is given pursuant to the Guam Rules of Civil Procedure before  
12 amendment.”

13 **Section 3.** §40101 of Chapter 40, Title 7 Guam Code Annotated is *amended*  
14 to read:

15 “**§40101. Definitions.** As used in this Chapter:

16 (a) *Abuse* means the occurrence of one (1) *or* more of the  
17 following acts between family or household members:

18 (1) attempting to cause *or* intentionally *or* knowingly *or*  
19 recklessly causing bodily injury *or* serious bodily injury with *or*  
20 without a deadly weapon;

21 (2) placing by physical menace another in fear of  
22 imminent serious bodily injury; or

23 (3) sexually abusing minor children.

24 (b) *Adult* means any person eighteen (18) years of age *or*  
25 older.

26 (c) *Court* means the Superior Court.

27 (d) *Family or household members* means:

- 1 (1) Current *or* former spouses;
- 2 (2) Adults or minors who live together or who have
- 3 lived together;
- 4 (3) Adults *or* minors who are dating *or* who have
- 5 dated;
- 6 (4) Adults *or* minors who are engaged in *or* who have
- 7 engaged in a sexual relationship;
- 8 (5) Adults *or* minors who are related by blood *or*
- 9 adoption to the fourth (4<sup>th</sup>) degree of affinity;
- 10 (6) Adults *or* minors who are related *or* were formerly
- 11 related by marriage;
- 12 (7) Persons who have a child in common; or
- 13 (8) Minor children of persons described in paragraphs
- 14 (1) through (7) above.”