


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

Bill No. 69 (FC)

Introduced by:

Frank Ishizaki 

2007 MAR 19 AM 10:00  
MIA  
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AN ACT TO AMEND §7.22, SUBSECTION (a) OF CHAPTER 7 OF  
TITLE 9 THE GUAM CODE ANNOTATED, RELATIVE TO  
AMENDING THE BURDEN OF PROOF FOR THE PLEA OF NOT  
GUILTY BY REASON OF MENTAL ILLNESS, DISEASE OR  
DEFECT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that there exists a  
3 federal statute known as the "Insanity Defense Reform Act of 1984" which requires the burden of  
4 proof in federal criminal cases for a defendant who pleas "not guilty by reason of mental illness,  
5 disease or defect" to be by clear and convincing evidence. Across the nation, states have amended  
6 their laws to reflect a stricter rule when dealing with mental insanity defenses, with three states  
7 prohibiting the use of the defense. It is the intent of *I Liheslatura* to update Guam's laws regarding the  
8 use of such affirmative defense in criminal cases to meet the national standard. This would guarantee  
9 that the use of this defense is *not* exploited and used in a manner inconsistent with its original intent.

10           **Section 2.** Title 9 GCA Chapter 7 §7.22 subsection (a) is hereby *amended* to read as follows:

11           **§ 7.22. Same: Procedure for Assertion of.**

12           (a) Mental illness, disease or defect, precluding responsibility, is an affirmative defense  
13 which the defendant must prove by a ~~preponderance of the~~ clear and convincing evidence.