

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

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Bill No. 9-31(LS)

Introduced by:

Judi P. Guthertz, DPA

AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10 GUAM CODE ANNOTATED AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1: Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the existing  
3 laws pertaining to animal care and cruelty are antiquated. Current statutes provide little  
4 deterrence for persons that inflict physical and serious injury upon animals through  
5 negligent and intentional acts of cruelty. Many instances occur wherein owners fail to  
6 provide even the most basic of care for animals in their person. Members of the island  
7 community are knowledgeable and have seen firsthand instances where animals have  
8 suffered a cruel death from starvation, thirst, or were injured or killed through  
9 deliberate acts of cruelty.

10 It is the intent of *I Liheslaturan Guåhan* to strengthen punishments against  
11 perpetrators and address persons whose actions fall outside legitimate and legally  
12 sanctioned conduct, and who intentionally, negligently, or with criminal negligence  
13 inflict harm on animals for no valid societal or legally sanctioned reason versus the  
14 legitimate activities of hunting, the accepted practices of veterinary care and the  
15 necessary actions associated with good animal husbandry.

16 Section 2: §34205 of Chapter 34, Title 10 Guam Code Annotated is hereby  
17 amended to read:

1                   §34205. Animal Care

2                   (a) No ~~owner~~ person who has an animal or animals in his custody or control  
3 shall fail to provide ~~his~~ the animal(s) with sufficient good and wholesome food and  
4 water, proper shelter and protection from the weather, adequate space to exercise, an  
5 area which is reasonably clean and free of excrement which may be injurious to the  
6 health of the animal(s), veterinary care when need to prevent suffering, and with other  
7 humane care and treatment as necessary to preserve the health and well-being of the  
8 animal(s).

9                   **Section 3:** §70.01 is hereby *added* to Article 1, Chapter 70 of Title 9 Guam Code  
10 Annotated to read:

11                   **70.01 Cruelty to Animals; Definitions.**

12 For purposes of this Chapter:

- 13 (a) “Animal” means a domestic animal, a household pet or a wild animal in captivity.  
14 (b) “Domestic animal” means any animal, other than livestock, that is owned or possessed  
15 by a person.  
16 (c) “Good animal husbandry” includes, but is not limited to, the dehorning of cattle, the  
17 docking of horses, sheep or swine, and the castration or neutering of livestock,  
18 according to accepted practices of veterinary medicine or animal husbandry.  
19 (d) “Minimum care” means care sufficient to preserve the health and well-being of an  
20 animal and, except for emergencies or circumstances beyond the reasonable control of  
21 the owner, includes but is not limited to, the following requirements:  
22 (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of  
23 body weight;  
24 (2) Open or adequate access to potable water in sufficient quantity to satisfy the animal’s  
25 needs.  
26 (3) Access to a enclosed structure sufficient to protect the animal from wind, rain, or sun.  
27 (4) Veterinary care deemed necessary by a reasonably prudent person to relieve injury,  
28 neglect or disease.

1 (5) For a domestic animal, continuous access to an area:

2 (i) With adequate space and room for exercise necessary for the health  
3 of the animal, and

4 (ii) Kept reasonably clean and free from excess waste or other contaminants that  
5 could affect the health of the animal(s).

6 (e) “Officer” means a member of the Guam Police Department, a Mayor of Guam, an  
7 Animal Control Officer, or any other person authorized by law, by the Chief of the  
8 Guam Police Department or by the Director of the Department of Agriculture.

9 (f) “Physical injury” means physical trauma, impairment of physical condition or  
10 substantial pain.

11 (g) “Physical trauma” means fractures, cuts, punctures, bruises, burns or other wounds.

12 (h) “Serious physical injury” means physical injury that creates a substantial risk of death  
13 or that causes protracted disfigurement, impairment of health or impairment to the  
14 function of a limb or bodily organ.

15 (i) “Torture” means an action taken for the primary purpose of inflicting pain.

16 **Section 4.** §70.10 of Chapter 70, Title 9 Guam Code Annotated is hereby *amended*  
17 to read:

18 **70.10 Cruelty to Animals: Defined; Exceptions; Penalty.**

19 (a) A person commits a ~~petty misdemeanor~~ if he the crime of animal abuse in the  
20 second degree if the person intentionally, knowingly or recklessly, except as otherwise  
21 authorized by law:

22 (1) causes physical injury to an animal, or

23 (2) fails to provide minimum care for the animal(s) in such person’s custody and  
24 control, and the failure to provide such minimum care causes physical injury to the  
25 animal(s).

26 (3) ~~kills or injures any animal belonging to another without legal privilege or~~  
27 ~~consent of the owner.~~

28 (b) Animal abuse in the second degree is a Class A misdemeanor.

1  
2 (1) ~~subjects any animal to cruel mistreatment;~~

3  
4 (2) ~~subjects any animal in his custody to cruel neglect; or~~

5  
6 (c) Subsection (a) shall not be applicable to:

7 (1) accepted veterinary practices and activities carried on for scientific research by  
8 public or private schools or universities or medical institutions;

9 (2) the shooting or taking of game in such manner and at such times as is allowed or  
10 provided by the laws of this Territory; or

11 (3) cockfighting in a manner and at such times and places as are authorized by law.

12 **Section 5.** §70.10.1 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated  
13 to read:

14 §70.10.1 Animal Abuse in the First Degree.

15 (a) A person commits the crime of animal abuse in the first degree if the person  
16 intentionally, knowingly or recklessly, except as otherwise authorized by law:

17 (1) causes serious physical injury to the animal(s), cruelly causes the death of the  
18 animal(s) or tortures the animal(s); or

19 (2) fails to provide minimum care for the animal(s) in the person's custody or  
20 control, and the failure to provide care results in serious physical injury or death to the  
21 animal(s).

22 (b) Animal abuse in the first degree is a third-degree felony.

23 (c) Subsection (a) of this Section shall not be applicable to:

24 (1) accepted veterinary practices and activities carried on for scientific research by  
25 public or private schools or universities or medical institutions;

26 (2) the shooting or taking of game in such manner and at such times as is allowed or  
27 provided by the laws of this Territory; or

28 (3) cockfighting in a manner and at such times and places as are authorized by law.

29 **Section 6.** §70.10.2 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated  
30 to read:

1                   §70.10.2 Animal Abandonment.

2                   (a) A person commits the crime of animal abandonment if the person intentionally,  
3                   knowingly, recklessly or with criminal negligence leaves a domestic animal at a location  
4                   without providing 'minimum care' as defined in this Chapter.

5                   (b) Animal abandonment is a Class B misdemeanor.

6                   **Section 7.** §70.10.3 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated  
7                   to read:

8                   §70.10.3 Authority to Enter Premises and Court Proceedings.

9                   (a) If there is probable cause to believe that any animal is being subjected to treatment in  
10                   violation of §70.10, §70.10.1 or §70.10.2 of this Chapter, any officer may enter the  
11                   premises to impound the animal(s). Notice of said impoundment shall be  
12                   conspicuously posted on the premises.

13                   (1) An officer is not liable for any damages for an entry under subsection (a) of this  
14                   section unless the damages were caused by reckless behavior.

15                   (2) Any animal(s) so impounded shall be held at the animal care facility designated  
16                   pursuant to §34118 of Chapter 34, Title 10 GCA.

17                   **Section 8.** Severability. If any provision of this law or its application to any  
18                   person or circumstance is found to be invalid or contrary to law, such invalidity shall  
19                   not affect other provisions or applications of this law which can be given effect without  
20                   the invalid provisions or application, and to this end the provisions of this law are  
21                   severable.

