

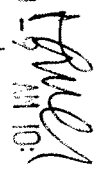
MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN  
2012 (SECOND) Regular Session

Bill No. 409-31(COR)

Introduced by:

F. F. Blas, Jr. 

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2012 JAN 19 AM 10:13  


AN ACT TO *ADD* CHAPTER 16 TO TITLE 19 OF  
THE GUAM CODE ANNOTATED RELATIVE TO  
ACTS OF VIOLENCE AGAINST AN UNBORN  
CHILD.

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

2 **Section 1.** Chapter 16 is hereby *added* to Title 19 of the Guam Code  
3 Annotated to read as follows:

4 **“CHAPTER 16.**

5 **Unborn Victims of Violence Act.**

6 **§16100.**

**Title.**

7 **§16101.**

**Statement.**

8 **§16102.**

**Intentional Homicide of an Unborn  
9 Child.**

10 **§16103.**

**Prohibition.**

11 **§16104.**

**Severability.**

12 **§16100. Title.** This Chapter may be cited or referred to as the  
13 **“Unborn Victims of Violence Act of 2012.”**

1           **§16101. Statement.** *The Unborn Victims of Violence Act* is designed  
2 to recognize a “child in *utero*” as a legal victim, if he or she is injured or killed  
3 during the commission of crimes of violence. More importantly, this Chapter  
4 defines “child in *utero*” as “a member of the species *Homo sapiens*, at any stage  
5 of development, who is carried in the womb”.

6           **§16102. Intentional Homicide of an Unborn Child.** (a) A person  
7 commits the offense of intentional homicide of an unborn child if, in  
8 performing acts which cause the death of an unborn child, he without lawful  
9 justification:

10                   (1) either intended to cause the death of or do great bodily harm  
11 to the pregnant woman or her unborn child or knew that such acts would  
12 cause death or great bodily harm to the pregnant woman or her unborn  
13 child; or

14                   (2) knew that his acts created a strong probability of death or  
15 great bodily harm to the pregnant woman or her unborn child; and

16                   (3) knew that the woman was pregnant.

17           **(b) Definition.** For purposes of this Chapter, “*unborn child*” shall  
18 mean any individual of the human species from fertilization until birth, and  
19 “*person*” shall not include the pregnant woman whose unborn child is killed.

20           **(c) Application.** This Section shall not apply to acts which cause  
21 bodily harm to an unborn child if those acts were committed during any  
22 abortion, as defined in the *Partial-Birth Abortion Ban Act of 2008*, as amended,  
23 to which the pregnant woman has consented. This Section shall not apply to  
24 acts which were committed pursuant to usual and customary standards of  
25 medical practice during diagnostic testing or therapeutic treatment.

26           **(d) Penalty.** The sentence for intentional homicide of an unborn child  
27 shall be the same as for First Degree Murder, except that:

1                   **(1) First Degree Murder**

2                   (A) If the person commits the offense while armed with a  
3                   weapon, 15 years shall be added to the term of imprisonment  
4                   imposed by the court.

5                   (B) If, during the commission of the offense, the offender  
6                   discharged a firearm, 20 years shall be added to the term of  
7                   imprisonment imposed by the court.

8                   (C) If, during the commission of the offense, the offender  
9                   discharged a firearm that proximately caused great bodily harm,  
10                  permanent disability, permanent disfigurement, or death to another  
11                  person, 25 years or up to a term of natural life shall be added to the  
12                  term of imprisonment imposed by the court.

13                  **(2) Battery of an unborn child; aggravated battery of an**  
14                  **unborn child.**

15                  (A) A person also commits battery of an unborn child if  
16                  he or she knowingly without legal justification and by any means  
17                  causes bodily harm to a pregnant woman.

18                  (B) A person commits aggravated battery of an unborn  
19                  child when, in committing battery against a pregnant woman, he or  
20                  she knowingly causes great bodily harm to an unborn child that  
21                  could cause permanent disability or disfigurement.

22                  (C) Battery of an unborn child is a Class A misdemeanor.  
23                  Aggravated battery of an unborn child is a Class 2 felony.

24                  **(3) Voluntary Manslaughter of an Unborn Child.**

25                  (A) A person who kills an unborn child without lawful  
26                  justification commits voluntary manslaughter of an unborn child if  
27                  at the time of the killing he is acting under a sudden and intense

1                   passion resulting from serious provocation by another whom the  
2                   offender endeavors to kill, but he negligently or accidentally  
3                   causes the death of the unborn child.

4                   (B) A person who intentionally or knowingly kills an  
5                   unborn child commits voluntary manslaughter of an unborn child if  
6                   at the time of the killing he believes the circumstances to be such  
7                   that, if they existed, would justify or exonerate the killing under  
8                   the principles stated in the Codes of Guam, but his belief is  
9                   unreasonable.

10                  (C) Voluntary Manslaughter of an unborn child is a Class  
11                  1 felony.

12                  **§16103. Prohibition.** The provisions of this Act shall not be  
13                  construed to prohibit the prosecution of any person under any other provision of  
14                  law.

15                  **§16104. Severability.** *If* any provision of this Act, or its  
16                  application to any person or circumstance, is found to be invalid or contrary to  
17                  law, such invalidity shall *not* affect other provisions or applications of this Act  
18                  which can be given effect without the invalid provisions application, and to this  
19                  end the provisions of this Act are severable."