

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
146-32 (LS)	V. A. Ada, Brant T. McCreadie, F.B. Aguon. Jr. R.J. Respicio	AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9GCA RELATIVE TO CASTLE DOCTRINE.	6/19/13 12:28p.m.	6/19/13	Committee on the Guam U.S. Military Relocation, homeland Security, Veteran's Affairs, and Judiciary			Fiscal Note Requested 06/21/13 Fiscal Note Received 07/19/13



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 19, 2013

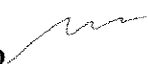
Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Senator
Vicente (Ben) C. Pangelinan
Member

To: **Rennae Meno**
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Fiscal Notes**

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai!

Legislative Secretary
Tina Rose Muña Barnes
Member

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

2013 JUL 19 AM 11:13


Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTE:

Bill Nos. 106-32(LS), 123-32(LS), 127-32(LS), and 146-32(LS)

Senator
Michael F.Q. San Nicolas
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os ma'åse'!

Senator
Aline Yamashita
Member

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR**JUL 19 2013**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 106-32(LS), 123-32(LS), 127-32(LS), and 146-32(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 146-32(LS)**

AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9GCA RELATIVE TO CASTLE DOCTRINE.

Department/Agency Appropriation Information	
Dept./Agency Affected: Judiciary of Guam	Dept./Agency Head: F. Philip Carbullido, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	23,564,558
Department's Other Fund (Specify) appropriation(s) to date:	145,000
Total Department/Agency Appropriation(s) to date:	\$23,709,558

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appr. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No*
/ / Requested agency comments not received as of the due date / / Other:

*Due to other budgetary priorities and impending deadline, unable to coordinate with affected agency

JUL 19 2013

8/7/13

Analyst: Dina P. Rivera Date: 8/20/13 Director: John A. Rios, Director Date: _____

Footnotes:
See attached comments.

COMMENTS TO BILL 146-32(COR)

**BILL NO. 146-32 IS AN ACT TO ADD A NEW ARTICLE 3 TO
CHAPTER 37 OF 9 GCA RELATIVE TO CASTLE DOCTRINE.**

The Bill could pose a potential cost to the Courts in cases when the court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (2) of the Bill. This cost impact is not determined at this time.



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Senator
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Member
MINORITY LEADER

Senator
Aline Yamashita
Member

June 21, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 145 & 146(LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 JUN 21 PM 4:36

Bill Nos.	Sponsor	Title
145-32 (LS)	FRANK B. AGUON, JR. T. A. MORRISON T. C. ADA	AN ACT RELATIVE TO NAMING THE MALESSO PIER PARK THE "PLASAN BETERANON MANSENDALON MALESSO" (VETERAN SONS AND DAUGHTERS OF MALESSO PARK) IN HONOR AND SPECIAL RECOGNITION OF THE MEN AND WOMEN FROM MALESSO WHO HAVE SERVED IN THE U. S. ARMED FORCES, AND IN ACKNOWLEDGEMENT OF ALL GUAM VETERANS; THROUGH ADDING A NEW § 849.5.1 TO ARTICLE 1, CHAPTER 8, OF TITLE 1, GUAM CODE ANNOTATED.
146-32(LS)	V. A. Ada, Brant T. McCreadie, F.B. Aguon, Jr. R.J. Respicio	AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9 GCA RELATIVE TO CASTLE DOCTRINE.



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MINORITY LEADER

Senator
Aline Yamashita
Member

June 19, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill No. 146-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 146-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 146 (LS)

Introduced by:

V. Anthony Ada
Brant T. McCreadie
F. B. Aguon, Jr.

F. B. Aguon, Jr.

AN ACT ADD A NEW ARTICLE 3 TO CHAPTER 37 OF
9GCA RELATIVE TO CASTLE DOCTRINE.

2013-11-19 PM 12:28
[Signature]

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2
3 **Section 1.** A new Article 3 is *added* to Chapter 37 of 9GCA to read as follows:

4
5 " Article 3

6 **Castle Doctrine Act**

7
8 **§37.301. Legislative Findings Intent.** *I Liheslaturan Guåhan* finds that it is proper
9 for law-abiding people to protect themselves, their families, and others from intruders
10 and attackers without fear of prosecution or civil action from acting in defense of the
11 themselves and others; and

12 *I Liheslatura* further finds the "Castle Doctrine" is a common-law doctrine of
13 ancient origins that declares that a person's home is his or her castle; and

14 *I Liheslatura* further finds the persons residing in or visiting Guam have a right
15 to remain unmolested within their homes or vehicles; and

16 *It is the intent of I Liheslatura* that no person or victim of crime should be
17 required to surrender his or her personal safety to a criminal, nor should a person or
18 victim be required to needlessly retreat in the face of intrusion or attack.

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§37.202. Home Protection, Use of Deadly Force, Presumption of Fear of Death or Harm

(1) A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:

(a) The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully or forcefully entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and

(b) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

(2) The presumption set forth in Subsection (1) does not apply if:

(a) The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or

1 (b) The person or persons sought to be removed is a child, grandchild, or is
2 otherwise in the lawful custody or under the lawful guardianship of, the person
3 against whom the defensive force is used; or
4

5 (c) The person who uses defensive force is engaged in a criminal activity or is
6 using the dwelling, residence, or occupied vehicle to further a criminal activity;
7 or
8

9 (d) The person against whom defensive force is used is a law enforcement
10 officer, as defined in [insert appropriate reference to state/commonwealth code,
11 which defines the term “law enforcement officer” or similar], who enters or
12 attempts to enter a dwelling, residence, or vehicle in the performance of his or
13 her official duties and the officer identified himself or herself in accordance with
14 applicable law, or the person using force knew or reasonably should have known
15 that the person entering or attempting to enter was a law enforcement officer.
16

17 (3) A person who is not engaged in an unlawful activity and who is attacked in any
18 other place where he or she has a right to be has no duty to retreat and has the right to
19 stand his or her ground and meet force with force, including deadly force if he or she
20 reasonably believes it is necessary to do so to prevent death or great bodily harm to
21 himself or herself or another, or to prevent the commission of a forcible felony.
22

23 (4) A person who unlawfully and by force enters or attempts to enter a person’s
24 dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to
25 commit an unlawful act involving force or violence.
26

27 (5) As used in this section, the term:
28

1 (a)“Dwelling” means a building or conveyance of any kind, including any
2 attached porch, whether the building or conveyance is temporary or permanent,
3 mobile or immobile, which has a roof over it, including a tent, and is designed to
4 be occupied by people lodging therein at night.

5
6 (b) “Residence” means a dwelling in which a person resides either temporarily
7 or permanently or is visiting as an invited guest.

8
9 (c) “Vehicle” means a conveyance of any kind, whether or not motorized, which
10 is designed to transport people or property.

11
12 **§37.303. Immunity from Criminal Prosecution and Civil Action**

13
14 (1) As used in this subsection, the term “criminal prosecution” includes arresting,
15 detaining in custody, and charging or prosecuting the defendant.

16
17 (2) A person who uses force as permitted in §32302 of this Article is justified in using
18 such force and is immune from criminal prosecution and civil action for the use of
19 such force, except when:

20
21 (a) The person against whom force was used is a law enforcement officer as
22 defined by Public Law, who was acting in the performance of his or her duties
23 and the officer identified himself or herself in accordance with applicable law;
24 or

25
26 (b) The person using force knew or reasonably should have known that the
27 person was a law enforcement officer.
28

1 (3) A law enforcement agency may use standard procedures for investigating the use of
2 force as described in subsection (2), but the agency may not arrest the person for using
3 force unless it determines that there is probable cause that the force that was used was
4 unlawful.

5
6 (4)The court shall award reasonable attorney's fees, court costs, compensation for loss
7 of income, and all expenses incurred by the defendant in defense of any civil action
8 brought by a plaintiff if the court finds that the defendant is immune from prosecution
9 as provided in subsection (2).

10

11 **§37.304. Severability.** If any provision of this Act or its application to any person or
12 circumstance is found to be invalid or contrary to law, such invalidity *shall* not affect
13 other provisions or application of this Act which can be given effect without the
14 invalid provisions or application, and to this end the provisions of this Act are
15 severable."