EDDIE BAZA CALVO Governor



RAY TENORIO Lieutenant Governor

Office of the Governor of Guam

JUL 0 8 2013

Honorable Judith T. Won Pat, Ed.D. Speaker *I Mina'trentai Dos Na Liheslaturan Guåhan* 155 Hesler Street Hagåtña, Guam 96910

32-13-567 fice of the Speaker aived by

Dear Madame Speaker:

Transmitted herewith is Bill No.119-32 (COR) **"AN ACT TO** *AMEND* **THE TITLE OF CHAPTER 37, AND TO** *ADD* **A NEW ARTICLE 2 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOME INVASION**" which I signed into law on July 5, 2013 as **Public Law 32-047**.

Senseramente,

**EDDIE BÁZÁ CALVO** *I Maga'lahen Guåhan* Governor of Guam

2013 JUL - 8 PM 5: 00

Attachment: copy of Bill

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

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

This is to certify that Substitute Bill No. 119-32 (COR), "AN ACT TO AMEND THE TITLE OF CHAPTER 37, AND TO ADD A NEW ARTICLE 2 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOME INVASION", was on the 24<sup>th</sup> day of June, 2013, duly and regularly passed.

Benjamin J.F. Cruz Acting Speaker

ssistant Staff Officer Maga'lahi's Office

Attested:

Thomas C. Ada Acting Legislative Secretary

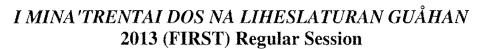
This Act was received by *I Maga'lahen Guåhan* this  $\frac{\partial b^{\dagger}}{\partial b}$  day of  $\frac{f_{0}}{f_{0}}$ , 2013, at  $3^{\circ} \mathcal{W}$  o'clock  $\sqrt[4]{}$  .M.

**APPROVED:** EDWARD J.B. CALVO

E**Ð**WARD J.B. CALVC *I Maga'lahen Guåhan* 

Date: JUL 0 5 2013

Public Law No. \_\_\_\_\_32-047



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### Bill No. 119-32 (COR)

As substituted by the Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary; and amended on the Floor.

Introduced by:

V. Anthony Ada Chris M. Dueñas Brant T. McCreadie <u>Frank B. Aguon, Jr.</u> T. C. Ada B. J.F. Cruz Michael T. Limtiaco Tommy Morrison T. R. Muña Barnes Vicente (ben) C. Pangelinan R. J. Respicio Dennis G. Rodriguez, Jr. Michael F. Q. San Nicolas Aline A. Yamashita, Ph.D. Judith T. Won Pat, Ed.D.

### AN ACT TO AMEND THE TITLE OF CHAPTER 37, AND TO ADD A NEW ARTICLE 2 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOME INVASION.

# BE IT ENACTED BY THE PEOPLE OF GUAM: Section 1. The title of Chapter 37 of Title 9, Guam Code Annotated, is *amended* to read as follows: "CHAPTER 37 BURGLARY AND HOME INVASION"

1 A new Article 2 is *added* to Chapter 37 of Title 9, Guam Code Section 2. 2 Annotated, to read as follows: 3 **"ARTICLE 2** 4 HOME INVASION 5 § 37.201. Home Invasion. A person is guilty of home invasion 6 when such person commits a crime of burglary, as defined by this Chapter, 7 in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with the intent to commit a crime therein, and, in 8 9 the course of committing the offense: 10 (a) acting either alone or with one or more persons, such person or 11 another participant in the crime commits or attempts to commit a violent 12 crime against the person of another person other than a participant in the 13 crime who is actually present in such dwelling; 14 (b)such person is armed with explosives or a deadly weapon or dangerous instrument; or 15 16 if any of the acts of a participant at any time during the (c)17 burglary, or while attempting a burglary, or while fleeing from a burglary/attempted burglary, directly or indirectly, cause mental or 18 19 emotional trauma, bodily injury, serious bodily injury, or the death of an occupant of the dwelling who is *not* a participant in the burglary. 20 21 In the Course of Committing Home Invasion. An act § 37.202. 22 shall be deemed "in the course of committing" the offense if it occurs in an 23 attempt to commit the offense, or flight after the attempt or commission. Knowledge of Occupancy is Not a Defense. It is no 24 § 37.203. 25 defense that the defendant reasonably believed that the dwelling was unoccupied, by a person who was not a participant in the crime, at the time 26 27 the home invasion occurred.

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### § 37.204. Home Invasion Punished.

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(a) Home invasion is a first degree felony, and any person found
guilty under this Section *shall* be sentenced to a term of imprisonment of
which *at least* ten years *may not* be suspended or reduced by the court.

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5 (b) The sentence imposed for home invasion *shall* run 6 consecutively to any sentence for other crimes committed in conjunction 7 with the home invasion."