



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam.*

**MAR 16 2016**

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

2016 MAR 16 PM 1:16

Dear Madame Speaker:

Transmitted herewith is Bill No. 231-33 (LS) "AN ACT TO ADD A NEW CHAPTER 20 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ACTS OF VIOLENCE AGAINST AN UNBORN CHILD," which I signed into law on March 4, 2016, as **Public Law 33-132**.

*Senseramente,*

  
EDDIE BAZA CALVO





33-16-1443

Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 3/16/16  
Time: 10:50 A.M.  
Received By: CRK CARL

**1443**

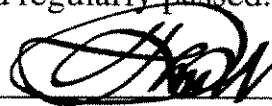
P.O. Box 2950 • Hagåtña, Guam 96932  
Tel: (671) 472-8931 • Fax: (671) 477-4826 • [governor.guam.gov](http://governor.guam.gov) • [calendar.guam.gov](http://calendar.guam.gov)

 Eddie Baza Calvo  @eddiebazscalvo  @governorcalvo  [governorofguam](http://governorofguam)

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN  
2016 (SECOND) Regular Session**

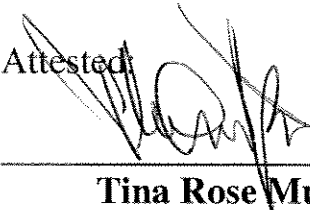
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that **Substitute Bill No. 231-33 (LS)**, "AN ACT TO ADD A NEW CHAPTER 20 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ACTS OF VIOLENCE AGAINST AN UNBORN CHILD," was on the 18<sup>th</sup> day of February 2016, duly and regularly passed.



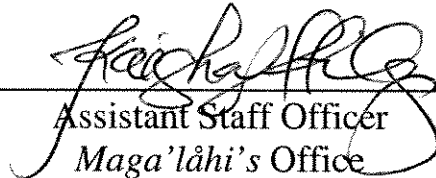
**Judith T. Won Pat, Ed.D.  
Speaker**

Attested:



**Tina Rose Muña Barnes  
Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 22<sup>ND</sup> day of FEBRUARY 2016, at 2:59 o'clock P.M.



Assistant Staff Officer  
*Maga'låhi's Office*

APPROVED:



**EDWARD J.B. CALVO**  
*I Maga'låhen Guåhan*

Date: MAR 04 2016

Public Law No. 33-132

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 231-33 (LS)**

As substituted by the Committee on  
the Guam U.S. Military Relocation,  
Public Safety and Judiciary;  
and amended on the Floor.

Introduced by:

Frank F. Blas, Jr.  
V. Anthony Ada  
James V. Espaldon  
Tommy Morrison  
Dennis G. Rodriguez, Jr.  
T. R. Muña Barnes  
Brant T. McCreadie  
T. C. Ada  
R. J. Respicio  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW CHAPTER 20 TO TITLE 9,  
GUAM CODE ANNOTATED, RELATIVE TO ACTS  
OF VIOLENCE AGAINST AN UNBORN CHILD.**

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

2        **Section 1.** A new Chapter 20 is hereby *added* to Title 9, Guam Code  
3        Annotated, to read as follows:

1 "CHAPTER 20

2 UNBORN VICTIMS OF VIOLENCE ACT

3 § 20.10. Title.

4 § 20.20. Legislative Statement and Intent.

5 § 20.30. Definitions.

6 § 20.40. Application.

7 § 20.50. Murder of an Unborn Child.

8 § 20.60. Manslaughter of an Unborn Child.

9 § 20.70. Aggravated Assault of an Unborn Child.

10 § 20.80. Assault of an Unborn Child.

11 § 20.90. Knowledge Not a Defense.

12 § 20.100. No Prohibition.

13 § 20.10. **Title.** This Act may be cited or referred to as "*The Unborn*  
14 *Victims of Violence Act of 2016.*"

15 § 20.20. **Legislative Statement and Intent.** *I Liheslaturan*  
16 *Guåhan* understands that the physical harm or death of an expectant woman  
17 could equally result in the physical harm and death to the unborn child in her  
18 womb. For the woman who desires to carry and care for her unborn child to  
19 term, the protection and safety of the living being in her womb is something  
20 she should not have to worry about. To this statement, former President  
21 George W. Bush once expressed, "Any time an expectant mother is a victim  
22 of violence, two lives are in the balance, each deserving protection, and each  
23 deserving justice."

24 *I Liheslaturan Guåhan* finds that "The Unborn Victims of Violence Act  
25 of 2016" (Act) is a step toward protecting an expectant mother and her unborn  
26 child, and recognizes that an unborn child is a legal victim if he or she is  
27 injured or killed during the commission of crimes of violence.

1            *I Liheslaturan Guåhan* believes and further recognizes that while an  
2 expectant mother has a legal right to determine the fate of her unborn child,  
3 she should also be assured that any harm to her unborn child caused from  
4 unwarranted and unexpected harm directed at her will result in additional  
5 criminal sanctions against the responsible person(s).

6            **§ 20.30. Definitions.** For the purposes of this Chapter, the  
7 following terms are defined to mean:

8            (a) *person shall not* include the pregnant woman whose  
9 unborn child is harmed;

10           (b) *unborn child shall* mean a child *in utero*, and the term  
11 “child *in utero*” or “child, who is *in utero*” means a member of the  
12 species *homo sapiens*, at any stage of development, who is carried in  
13 the womb.

14           **§ 20.40. Application.** This Chapter *shall not* apply to acts that  
15 cause bodily harm to an unborn child if those acts were committed during any  
16 legal abortion, in accordance with Guam law. This Chapter *shall not* apply to  
17 acts that were committed under usual and customary standards of medical  
18 practice during diagnostic testing or therapeutic treatment.

19           **§ 20.50. Murder of an Unborn Child.** (a) A person commits the  
20 offense of murder of an unborn child if, in performing acts which cause the  
21 death of an unborn child without lawful jurisdiction, the person:

22           (1) either intended to cause the death of, or cause serious  
23 bodily injury to, the pregnant woman or her unborn child, or knew that  
24 such acts would cause death or serious bodily injury to the pregnant  
25 woman or her unborn child; or

1                   (2) commits such acts recklessly under circumstances  
2 manifesting extreme indifference to the value of the life of the pregnant  
3 woman or her unborn child.

4                   (b) The penalty for murder of an unborn child *shall* be the same as  
5 the penalty for murder defined in Chapter 16 of Title 9, Guam Code  
6 Annotated.

7                   **§ 20.60. Manslaughter of an Unborn Child.** (a) A person who  
8 kills an unborn child without lawful justification commits manslaughter of an  
9 unborn child if, at the time of the killing, the person was acting under a sudden  
10 and intense passion resulting from serious provocation by another who the  
11 offender endeavors to kill, but the person negligently or accidentally causes  
12 the death of the unborn child.

13                   (b) Manslaughter of an unborn child is a felony of the first degree  
14 and is punishable to the same extent and manner as the offense of  
15 manslaughter defined in Chapter 16 of Title 9, Guam Code Annotated.

16                   **§ 20.70. Aggravated Assault of an Unborn Child.** (a) A person  
17 commits aggravated assault of an unborn child when, in committing assault  
18 against a pregnant woman, he or she causes serious bodily injury to an unborn  
19 child.

20                   (b) Aggravated assault of an unborn child is punishable to the same  
21 extent and manner as the offense of aggravated assault in the second degree  
22 defined in Chapter 19 of Title 9, Guam Code Annotated.

23                   **§ 20.80. Assault of an Unborn Child.** (a) A person commits  
24 assault of an unborn child if he or she, without legal justification and by any  
25 means, commits assault on a pregnant woman as defined in § 19.30 of Chapter  
26 19, Title 9, Guam Code Annotated.

1           (b) It is not a defense that no injury was caused to the unborn child  
2 as a result of the assault.

3           (c) Assault of an unborn child is punishable to the same extent and  
4 manner as the offense of assault defined in Chapter 19 of Title 9, Guam Code  
5 Annotated.

6           **§ 20.90. Knowledge Not a Defense.** An offense committed under  
7 this Act does not require proof that:

8           (a) the person committing the offense had knowledge or  
9 should have had knowledge that the victim of the underlying offense  
10 was pregnant; or

11           (b) the person committing the offense did not intend to cause  
12 the death of, or bodily injury to, the unborn child.

13           **§ 20.100. No Prohibition.** The provisions of this Act *shall not* be  
14 construed to prohibit the prosecution of any person under any other provision  
15 of law.”