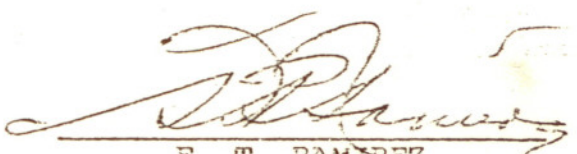


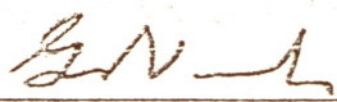
ELEVENTH GUAM LEGISLATURE  
1972 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

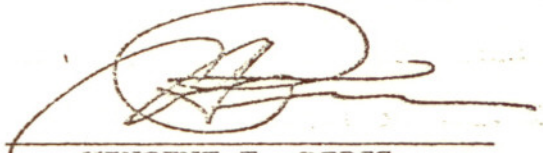
This is to certify that Bill No. 7, "An Act to amend Sections 25, 33, 35, 56 and 69 of the Civil Code of Guam, Section 397 of the Penal Code of Guam, and Sections 25203, 25208, 25308, 25308.1, 25318, 25318.1, and 25519 of the Government Code of Guam to reduce the age of majority from 21 years to 18 years, and to correspondingly reduce the age for disaffirming contracts by minors", was on the 26th day of May, 1972, duly and regularly passed.

  
F. T. RAMIREZ  
Speaker


ATTESTED:

  
G. M. BAMBA  
Legislative Secretary

-----  
This Act was received by the Governor this 14<sup>th</sup> day of June, 1972 at 9:25 o'clock A. M.

  
VINCENT T. PEREZ  
Attorney General of Guam

APPROVED:

  
CARLOS G. CAMACHO  
Governor of Guam

DATED: June 23, 1972  
9:45 a.m.

Public Law  
11-144

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ELEVENTH GUAM LEGISLATURE  
1971 (FIRST) Regular Session

Bill No. 7  
Substitute Bill

Introduced by \_\_\_\_\_

J. B. Butler  
C. C. Barrett  
P. J. Bordallo  
T. C. Charfauros  
A. L. Cristobal  
J. R. Duenas  
F. G. Lujan  
L. S. N. Paulino  
J. A. Perez  
P. D. Perez  
F. T. Ramirez  
A. C. Sanchez  
F. R. Santos  
T. R. Santos  
A. A. Sext  
T. S. Tanaka

AN ACT TO AMEND SECTIONS 25, 33, 35, 56  
AND 69 OF THE CIVIL CODE OF GUAM, SECTION  
397 OF THE PENAL CODE OF GUAM, AND SECTIONS  
25203, 25208, 25308, 25308.1, 25318, 25318.1,  
AND 25519 OF THE GOVERNMENT CODE OF GUAM TO  
REDUCE THE AGE OF MAJORITY FROM 21 YEARS TO  
18 YEARS, AND TO CORRESPONDINGLY REDUCE THE  
AGE FOR DISAFFIRMING CONTRACTS BY MINORS.

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

2 Section 1. Statement of Findings. The Legislature finds  
3 that many of the laws dealing with young persons in Guam are  
4 inconsistent, if not senseless. As examples, a minor 19 years  
5 old can drink alcoholic beverages but cannot buy a motorcycle  
6 on time, while a minor 18 years old can be drafted but cannot  
7 drink. This same 18 year old can vote in local elections but  
8 cannot serve as commissioner. And most strange of all, if two  
9 19 year olds are married to each other, the girl is considered  
10 an adult and can sign binding contracts and the like, but the  
11 boy is still a minor and is deemed in the eyes of the law to be  
12 incompetent and incapable of making a valid contract. In view  
13 of all these inconsistencies, the Legislature deems it necessary  
14 to reform the law by changing the age of majority from 21 to 18.



1 his or her guardian, where such written consent is  
2 filed with the Director of Administration, as provided  
3 in Section 69 of this Code, is capable of consenting  
4 to and consummating marriage. Provided, further that  
5 any female under the age of sixteen (16) years and  
6 over the age of fourteen (14) years, with the consent  
7 in writing of her parents or one of her parents, or  
8 of her guardian, where such written consent is filed  
9 with the clerk issuing the marriage license, as  
10 provided in Section 69 of this Code and where, after  
11 such showing as the Island Court may require, an  
12 order of said Island Court is entered in the minutes  
13 of the clerk of said Court, granting permission to  
14 said female to marry, is capable of consenting to and  
15 consummating marriage."

16 Section 6. Section 69 of the Civil Code of Guam is hereby  
17 amended to read as follows:

18 "Section 69. Marriage licenses. (a) All persons  
19 about to be joined in marriage must first obtain a  
20 license therefor, from the Department of Administration,  
21 which license must show:

- 22 1. The identity of the parties.
- 23 2. Their real and full names, residence and  
24 place of birth.
- 25 3. Their ages and date of birth.
- 26 4. Their citizenship.
- 27 5. If an alien, whether a resident alien or  
28 non-immigrant alien.
- 29 6. Number of previous marriages, wherever contracted  
30 and how terminated, the occupation of the parties, maiden  
31 name of the female if previously married, the names and

1 birthplaces of the parents of each, and the maiden  
2 name of the mother of each.

3 (b) No license shall be granted when either of the  
4 applicants therefor is an imbecile, or insane, or who  
5 at the time of making the application or proofs herein  
6 required for said license, is under the influence of  
7 any intoxicating liquor, or narcotic drug. If the  
8 applicant is under the age of eighteen (18) years,  
9 and such person has not been previously married, no  
10 license shall be issued, unless the consent in  
11 writing of the parents of the person under age, or one  
12 of such parents, or of his or her guardian, is presented  
13 with the application, duly verified by such parents, or  
14 parent, or guardian, and such consent must be retained  
15 on file in the Department of Administration with such  
16 application, and the fact of consent must be noted  
17 in the license. No license to marry between first  
18 cousins, between an adoptive parent and an adoptive  
19 person, between a step-parent and a step-person, and  
20 between a guardian and ward, shall be issued without  
21 an order in writing from the Island Court. No license  
22 to marry shall be issued without an order in writing  
23 from the Island Court for any female between the ages  
24 of fourteen (14) and sixteen (16) in addition to the  
25 consent of her parents, or one of her parents, or  
26 guardian as heretofore provided. No license to marry  
27 shall be issued in any case for any male under the  
28 age of sixteen (16) or any female under the age of  
29 fourteen (14).

30 (c) Application for marriage licenses shall be  
31 made on a form prescribed by the Director of



1 Administration and must be sworn to by both appli-  
2 cants before the Director of Administration or his  
3 deputy. No license shall be issued until after the  
4 expiration of five (5) days after the filing of the  
5 application. Such waiting period may be waived upon  
6 the order in writing of the Island Court granted for  
7 good cause shown.

8 (d) For the purpose of ascertaining all facts  
9 mentioned or required in this section, the Director of  
10 Administration, or his deputy, may examine under oath,  
11 or require written affidavits from, the applicants for  
12 a license and as many supporting witnesses as he deems  
13 necessary. Such examination shall be reduced to writing  
14 and subscribed by all parties swearing to the facts  
15 therein. In the case of termination of a previous  
16 marriage by divorce or annulment, the applicant shall  
17 furnish a certified copy of the final decree of  
18 divorce or annulment. In the case of termination of  
19 a previous marriage by death of the spouse, the appli-  
20 cant shall furnish a certified copy of the record of  
21 death. If a certified copy of a final decree of  
22 divorce, annulment, or record of death as required  
23 herein is not available, the applicant may submit in  
24 lieu thereof an affidavit setting forth, in such form  
25 as the Director may require, the reason why it is not  
26 obtainable.

27 (e) Any application for a marriage license, and  
28 any allied document, on file with the Director of  
29 Administration, shall be open to public inspection.

30 (f) Any person who shall swear falsely to an  
31 application for marriage license, or who shall make or

1 present any false affidavit, statement, or testimony  
2 in any proceeding under subsection (d), shall be  
3 guilty of a felony and shall be subject to a fine of  
4 not more than one thousand dollars (\$1,000.00) or  
5 imprisonment for not more than five (5) years, or  
6 both.

7 (g) No marriage license shall be effective nor  
8 shall it authorize the performance of a marriage  
9 ceremony after the expiration of sixty (60) days from  
10 the date of issuance of such license. This provision  
11 shall be printed on each license in prominent type.

12 (h) The Director of Administration, and deputies  
13 designated by him, are authorized to administer oaths  
14 in connection with the administration of this section.

15 (i) A fee of five dollars (\$5.00) shall accompany  
16 each application for a marriage license and shall not  
17 be refunded if the license is not issued or used.  
18 No marriage license fees collected by the government  
19 of Guam prior to the enactment of this subsection  
20 shall be refunded."

21 Section 7. Section 397 of the Penal Code of Guam is hereby  
22 amended to read as follows:

23 "Section 397. Alcoholic beverages, selling of,  
24 to minors. Every person who sells, gives or delivers  
25 to any minor under the age of 18 years, any alcoholic  
26 beverage as defined in Section 25004, Title XXVI,  
27 Chapter 1, of the Government Code of Guam, in any  
28 quantity, whatsoever, shall be guilty of a mis-  
29 demeanor, and shall, upon conviction thereof, be  
30 punished by a fine of not more than \$500 or by  
31 imprisonment for a period not exceeding 90 days,



1 or by both such fine and imprisonment. Provided,  
2 that this section shall not apply to the parents of  
3 such children, or to guardians of their wards."

4 Section 8. Section 25203 of the Government Code of Guam  
5 is hereby amended to read as follows:

6 "Section 25203. Same: same: minors. The Board  
7 shall not issue a license of any class to a person  
8 under eighteen (18) years of age."

9 Section 9. Section 25208 of the Government Code of Guam is  
10 hereby amended to read as follows:

11 "Section 25208. Same: same: near church, hospital,  
12 school. (a) The Board shall not issue an on-sale license  
13 for premises located within a distance of five hundred  
14 (500) feet from any church, hospital or public or  
15 private school of general education where persons  
16 under the age of eighteen (18) are taught, the measure-  
17 ments to be taken in a straight line from the center  
18 of the nearest entrance to the building used as  
19 such church, hospital or school to the center of the  
20 nearest entrance of the premises for which a license  
21 is applied; except that the provisions of this section  
22 shall not prohibit the renewal of any valid on-sale  
23 license previously issued and in effect at the time  
24 of a subsequent construction or establishment of such  
25 church, hospital or school within five hundred (500)  
26 feet of such licensed premises, and provided that  
27 such licensed premises shall not subsequently be  
28 added to or enlarged; and provided that an on-sale  
29 beer licensee coming under this exception shall not  
30 thereafter be issued a general on-sale license.

31 (b) Exception. Notwithstanding the provisions

1 of Subparagraph (a) of this section, the Board  
2 may issue an on-sale license for premises located  
3 within a distance of five hundred (500) feet from any  
4 church, hospital or public or private school of general  
5 education where persons under the age of eighteen (18)  
6 are taught, if the Board finds that the premises to be  
7 so licensed are such that would not disturb the church  
8 services, or the hospital patients, or the school  
9 students, or detract from the peace and quiet of the  
10 neighborhood, and that the general benefit to the  
11 territory at large by the licensing of such premises  
12 would outweigh any benefit to be derived from a strict  
13 enforcement of the prohibition. No such exception may  
14 be made if the presiding official of the church,  
15 hospital or school within the five hundred (500) feet  
16 distance does not consent in writing to the waiver of  
17 such prohibition."

18 Section 10. Section 25308 of the Government Code of Guam  
19 is hereby amended to read as follows:

20 "Section 25308. Minors: employment forbidden. A  
21 licensee shall not employ any minor under the age of  
22 eighteen (18), in or about that portion of the premises  
23 which is used for the sale or service of alcoholic  
24 beverages for consumption on the premises. Provided,  
25 however, that minors ages sixteen (16) and above may  
26 be employed as entertainers in on-sale premises under  
27 regulations made by the Board. Such regulations shall  
28 include but are not limited to,, provisions for regis-  
29 tration of entertainers, hours of employment, conditions  
30 of employment, and the responsibility of licensees  
31 employing such minors."



1 Section 11. Section 25308.1 of the Government Code of  
2 Guam is hereby amended to read as follows:

3 "Section 25308.1. Same: entry forbidden. No  
4 person under eighteen (18) years of age shall enter an  
5 establishment where alcoholic beverages, except beer,  
6 are consumed, unless such establishment is a public  
7 eating place as defined in Section 25013 of the  
8 Government Code of Guam. Every person who violates  
9 this section shall be guilty of a misdemeanor punish-  
10 able by a fine of not more than five hundred dollars  
11 (\$500.00), or by imprisonment for a period not exceed-  
12 ing ninety (90) days, or by both such fine and  
13 imprisonment."

14 Section 12. Section 25318 of the Government Code of Guam  
15 is hereby amended to read as follows:

16 "Section 25318. Same: to minor. A licensee, his  
17 agent or employee shall not sell, give nor permit to  
18 be sold, given or served any alcoholic beverages to  
19 any person under eighteen (18) years of age. For the  
20 purpose of preventing any violation of this section,  
21 any licensee or his agent or employee may refuse to  
22 sell or serve alcoholic beverages to any person who  
23 is unable to produce adequate written evidence that  
24 he or she is over the age of eighteen (18) years.  
25 In any criminal prosecution or proceeding for the  
26 suspension or revocation of any license and based  
27 upon a violation of this section, proof that the  
28 defendant licensee or his agent or employee demanded  
29 and was shown, before furnishing any alcoholic  
30 beverage to a minor, an identification card or other  
31 bona fide documentary evidence of majority of such

1 person shall be a defense to such prosecution or  
2 proceeding for the suspension or revocation of any  
3 license. Every person who violates this section shall  
4 be guilty of a misdemeanor, punishable by a fine of  
5 not more than five hundred dollars (\$500.00), or by  
6 imprisonment for a period of not exceeding ninety (90)  
7 days, or by both such fine and imprisonment."

8 Section 13. Section 25318.1 of the Government Code of Guam  
9 is hereby amended to read as follows:

10 "Section 25318.1. Same: false identification by  
11 minor. Any person, under eighteen (18) years of age,  
12 who exhibits a false identification card or false  
13 document for the purpose of purchasing or obtaining  
14 alcoholic beverages, shall be punished by a fine of  
15 not more than five hundred dollars (\$500.00), or by  
16 imprisonment not exceeding six (6) months, or by  
17 both such fine and imprisonment."

18 Section 14. Section 25519 of the Government Code of Guam  
19 is hereby amended to read as follows:

20 "Section 25519. Same: minors. Any person under the  
21 age of eighteen (18) years purchasing alcoholic beverages  
22 or in possession thereof shall be guilty of a misdemeanor,  
23 and upon conviction thereof shall be punished by a fine  
24 of not more than one hundred dollars (\$100.00) or by  
25 imprisonment not exceeding three (3) months, or by both  
26 such fine and imprisonment."

27 Section 15. Repealer. With the exception of Sections 8907  
28 and 8927 of the Government Code of Guam all other sections of  
29 the Codes of Guam, all other laws, and all rules or regulations  
30 to the contrary are hereby amended to reflect the change of the  
31 age of majority to 18 years of age.