

Bill No. 828

Date Became Law: December 31, 1982

Governor's Action: Approved Riders: No

Introduced by: A.C. Lamorena III

J.I. Leon Guerrero

AN ACT TO AMEND PROVISIONS OF TITLE 9 OF THE GUAM CODE ANNOTATED  
RELATIVE TO CRIMINAL HOMICIDE.

- Section 1 .... (a) Repeals P.L. 16-120, Section 17.  
(b) R/R 9 GCA §§16.20, 16.30, 16.40 and 16.50;  
adds 9 GCA §16.60.  
(c) Effective immediately.

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

Section 1. (a) Section 17 of P.L. 16-120 is repealed.

(b) Sections 16.20, 16.30, 16.40 and 16.50 of Title 9 of the Guam Code Annotated are repealed and reenacted and a new §16.60 is added to Title 9 of the Guam Code Annotated to read:

"§16.20. 'Criminal Homicide' Defined.

(a) A person is guilty of criminal homicide if he causes the death of another human being:

- (1) intentionally and with premeditation; or
- (2) intentionally; or
- (3) knowingly; or
- (4) recklessly; or
- (5) by criminal negligence.

(b) Criminal homicide is aggravated murder, murder, manslaughter or negligent homicide.

§16.30. 'Aggravated Murder' Defined.

(a) Criminal homicide constitutes aggravated murder when:

- (1) it is committed intentionally with premeditation; or
- (2) it is committed during the commission or attempt to commit any felony defined in Chapters 22, 25, 31, 34, 37, 40 or 58 of this Title.

(b) Aggravated murder is a felony of the first degree but a person convicted of aggravated murder shall be sentenced to life imprisonment notwithstanding any other provision of law; provided, further, that any person convicted of aggravated murder shall not be eligible for parole, work release nor shall his sentence be suspended.

§16.40. 'Murder' Defined.

(a) Criminal homicide constitutes murder when:

- (1) it is committed intentionally or knowingly; or
- (2) it is committed recklessly under circumstances manifesting extreme indifference to the value of human life.

(b) Murder is a felony of the first degree but a person convicted of murder shall be sentenced to life imprisonment notwithstanding any other provision of law; provided, however, that any person convicted of murder shall be eligible for parole after

serving fifteen (15) years as provided in §80.72 of this Title and no part of said sentence shall be suspended.

§16.50. 'Manslaughter' Defined and Classified.

(a) Criminal homicide constitutes manslaughter when:

(1) it is committed recklessly; or

(2) a homicide which would otherwise be murder is committed under the influence of extreme mental or emotional disturbance for which there is reasonable explanation or excuse. The reasonableness of such explanation or excuse shall be determined from the viewpoint of a reasonable person in the defendant's situation under the circumstances as he believes them to be. The defendant must prove the reasonableness of such explanation or excuse by a preponderance of the evidence.

(b) Manslaughter is a felony of the first degree.

§16.60. 'Negligent Homicide' Defined and Classified.

(a) Criminal homicide constitutes negligent homicide when it is committed by criminal negligence.

(b) Negligent homicide is a felony of the third degree."

(c) This Section shall take effect immediately when approved by the Governor. This Section does not apply to offenses committed prior to its effective date and prosecutions for such offenses shall be governed by the laws in effect on the date of the commission of such offenses, such laws being specifically revived and continued in effect solely for that purpose, as if this Section were not in force. For the purposes of this Section, an offense was committed after the operative date of this statute if any of the elements of the offense occurred subsequent thereto.