

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

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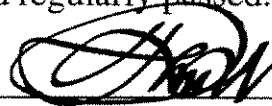
P.O. Box 2950 • Hagåtña, Guam 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov

 Eddie Baza Calvo  @eddiebazscalvo  @governorcalvo  governorofguam

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

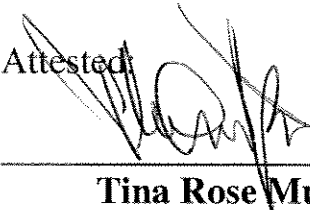
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

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 18th day of February 2016, duly and regularly passed.



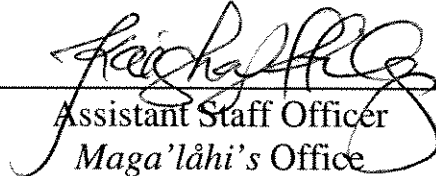
**Judith T. Won Pat, Ed.D.
Speaker**

Attested:



**Tina Rose Muña Barnes
Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 22ND 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 GUÅHAN
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.”