

***I MINA 'TRENDAI KUATTRO NALIHESLATURANGUAHAN***  
**2017 (FIRST) Regular Session**

Bill No. 175-34 (COR)

**Introduced by:**

Therese M. Terlaje

**AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE LAWS ARE ENFORCEABLE AND THAT FAMILY VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY AMENDING § 30.10 OF TITLE 9, GUAM CODE ANNOTATED.**

C.S. 2017 SEP - 6 PM 4:15

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

2 **Section 1.** Legislative Findings and Intent. *I Liheslatura* finds that the  
3 Supreme Court of Guam in People v. Shimizu, 2017 Guam 11, deemed 9 GCA §  
4 30.10(a)(2) as unconstitutionally vague. The court determined that the language in  
5 the statute defining “family violence” as including “placing a family or household  
6 member in fear of bodily injury” did not provide fair notice to ordinary citizens as  
7 to what conduct it prohibits, and it did not establish minimal guidelines to govern  
8 law enforcement. It is the intent of *I Liheslatura* to ensure that Guam’s family  
9 violence laws are enforceable and that family violence cases are successfully  
10 prosecuted. 9 GCA § 30.10 (a)(2) is amended by this Act to ensure that the statute  
11 provides fair notice as to what conduct it prohibits and to ensure that the statute  
12 establishes required guidelines for law enforcement.

13 **Section 2.** § 30.10 of Title 9, Guam Code Annotated, is hereby amended to  
14 read:

15 § 30.10. Definitions. As used in this Chapter:

1                   (a) Family violence means the occurrence of one (1) or more of the  
2 following acts by a family or household member, but does not include acts of self-  
3 defense or defense of others:

4                   (1) Attempting to cause or causing bodily injury to another family or  
5 household member;

6                   (2) ~~Placing a family or household member in fear of bodily injury.~~  
7 Communicating to a family or household member a threat to commit or to  
8 cause to be committed bodily injury or a crime of violence dangerous to  
9 human life, against the person to whom the communication is made or  
10 another, and the natural and probable consequence of such a threat, is to  
11 place the person to whom the threat is communicated or the person  
12 threatened in reasonable fear that crime will be committed.

13                   (3) Knowingly or intentionally, against the will of another, impeding  
14 the normal breathing or circulation of the blood of a family or household  
15 member by applying pressure to the throat or neck or by blocking the nose  
16 or mouth of a family or household member.