

I Mina'Trentai Unu Na Liheslaturan Guahan
Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	Status
409-31 (COR)	F. F. Blas, Jr.	AN ACT TO ADD CHAPTER 16 TO TITLE 19 OF THE GUAM CODE ANNOTATED RELATIVE TO ACTS OF VIOLENCE AGAINST AN UNBORN CHILD.	01/09/12 10:13 a.m.	1/9/2012		Committee on Public Safety, Law Enforcement and Judiciary			



COMMITTEE ON RULES

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January 9, 2012

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Judith P. Guthertz, DPA**
Acting Chairperson, Committee on Rules

Subject: **Referral of Bill Nos. 408-31(COR) & 409-31 (COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 409-31 (COR) and 409-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(2) Attachment

2012 JAN 10 PM 4:11

MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2012 (SECOND) Regular Session

Bill No. 409-31(COR)

Introduced by:

F. F. Blas, Jr.



2012 JUN 19 AM 10:13
F. F. Blas, Jr.

**AN ACT TO ADD CHAPTER 16 TO TITLE 19 OF
THE GUAM CODE ANNOTATED RELATIVE TO
ACTS OF VIOLENCE AGAINST AN UNBORN
CHILD.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Chapter 16 is hereby *added* to Title 19 of the Guam Code
Annotated to read as follows:

“CHAPTER 16.

Unborn Victims of Violence Act.

§16100.

Title.

§16101.

Statement.

§16102.

**Intentional Homicide of an Unborn
Child.**

§16103.

Prohibition.

§16104.

Severability.

§16100.

Title. This Chapter may be cited or referred to as the

“Unborn Victims of Violence Act of 2012.”

1 **§16101. Statement.** *The Unborn Victims of Violence Act* is designed
2 to recognize a “child in *utero*” as a legal victim, if he or she is injured or killed
3 during the commission of crimes of violence. More importantly, this Chapter
4 defines “child in *utero*” as “a member of the species *Homo sapiens*, at any stage
5 of development, who is carried in the womb”.

6 **§16102. Intentional Homicide of an Unborn Child.** (a) A person
7 commits the offense of intentional homicide of an unborn child if, in
8 performing acts which cause the death of an unborn child, he without lawful
9 justification:

10 (1) either intended to cause the death of or do great bodily harm
11 to the pregnant woman or her unborn child or knew that such acts would
12 cause death or great bodily harm to the pregnant woman or her unborn
13 child; or

14 (2) knew that his acts created a strong probability of death or
15 great bodily harm to the pregnant woman or her unborn child; and

16 (3) knew that the woman was pregnant.

17 **(b) Definition.** For purposes of this Chapter, “*unborn child*” shall
18 mean any individual of the human species from fertilization until birth, and
19 “*person*” shall not include the pregnant woman whose unborn child is killed.

20 **(c) Application.** This Section shall not apply to acts which cause
21 bodily harm to an unborn child if those acts were committed during any
22 abortion, as defined in the *Partial-Birth Abortion Ban Act of 2008*, as amended,
23 to which the pregnant woman has consented. This Section shall not apply to
24 acts which were committed pursuant to usual and customary standards of
25 medical practice during diagnostic testing or therapeutic treatment.

26 **(d) Penalty.** The sentence for intentional homicide of an unborn child
27 shall be the same as for First Degree Murder, except that:

1 **(1) First Degree Murder**

2 (A) If the person commits the offense while armed with a
3 weapon, 15 years shall be added to the term of imprisonment
4 imposed by the court.

5 (B) If, during the commission of the offense, the offender
6 discharged a firearm, 20 years shall be added to the term of
7 imprisonment imposed by the court.

8 (C) If, during the commission of the offense, the offender
9 discharged a firearm that proximately caused great bodily harm,
10 permanent disability, permanent disfigurement, or death to another
11 person, 25 years or up to a term of natural life shall be added to the
12 term of imprisonment imposed by the court.

13 **(2) Battery of an unborn child; aggravated battery of an**
14 **unborn child.**

15 (A) A person also commits battery of an unborn child if
16 he or she knowingly without legal justification and by any means
17 causes bodily harm to a pregnant woman.

18 (B) A person commits aggravated battery of an unborn
19 child when, in committing battery against a pregnant woman, he or
20 she knowingly causes great bodily harm to an unborn child that
21 could cause permanent disability or disfigurement.

22 (C) Battery of an unborn child is a Class A misdemeanor.
23 Aggravated battery of an unborn child is a Class 2 felony.

24 **(3) Voluntary Manslaughter of an Unborn Child.**

25 (A) A person who kills an unborn child without lawful
26 justification commits voluntary manslaughter of an unborn child if
27 at the time of the killing he is acting under a sudden and intense

1 passion resulting from serious provocation by another whom the
2 offender endeavors to kill, but he negligently or accidentally
3 causes the death of the unborn child.

4 (B) A person who intentionally or knowingly kills an
5 unborn child commits voluntary manslaughter of an unborn child if
6 at the time of the killing he believes the circumstances to be such
7 that, if they existed, would justify or exonerate the killing under
8 the principles stated in the Codes of Guam, but his belief is
9 unreasonable.

10 (C) Voluntary Manslaughter of an unborn child is a Class
11 1 felony.

12 **§16103. Prohibition.** The provisions of this Act shall not be
13 construed to prohibit the prosecution of any person under any other provision of
14 law.

15 **§16104. Severability.** *If* any provision of this Act, or its
16 application to any person or circumstance, is found to be invalid or contrary to
17 law, such invalidity shall *not* affect other provisions or applications of this Act
18 which can be given effect without the invalid provisions application, and to this
19 end the provisions of this Act are severable."