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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 202-32 (COR), "AN ACT TO *ADD* NEW §§ 37.50 TO 37.55 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CARJACKING,"** was on the 1st day of February, 2014, 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'lahen Guåhan* this 1st day of Feb, 2014, at 10:40 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 202-32 (COR)

Introduced by: V. Anthony Ada
Chris M. Dueñas
T. C. Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* NEW §§ 37.50 TO 37.55 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CARJACKING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. New §§ 37.50 to 37.55 are *added* to Chapter 37 of Title 9, Guam Code Annotated, to read:

CARJACKING

§ 37.50. Carjacking. A person is guilty of carjacking when such person commits a crime of burglary, as defined by this Chapter, in a vehicle, while a person other than a participant in the crime is actually present in such vehicle, with intent to commit a crime therein, and, in the course of committing the offense: (1)

acting either alone or with one or more persons, such person or another participant in the crime commits or attempts to commit a violent crime against the person of another person other than a participant in the crime who is actually present in such vehicle; or (2) if any of the acts of a participant at any time during the burglary, or while attempting a burglary or while fleeing from a burglary/attempted burglary, directly or indirectly, cause the mental or emotional trauma, bodily injury, serious bodily injury or the death of an occupant of the vehicle who is *not* a participant in the burglary.

§ 37.51. Armed Carjacking. Whoever commits the offense of carjacking while armed with, or having readily available, any pistol, or other firearm or imitation thereof, or other dangerous or deadly weapon, including a firearm, dirk, knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or any object capable of inflicting death or serious bodily injury, *shall* be guilty of armed carjacking.

§ 37.52. In the Course of Committing Carjacking or Armed Carjacking. An act *shall* be deemed "in the course of committing" the offense *if* it occurs in an attempt to commit the offense or flight after the attempt or commission.

§ 37.53. Knowledge of Occupancy is Not a Defense. It is *no* defense the defendant reasonably believed that the vehicle was unoccupied, by a person who was *not* a participant in the crime, at the time the carjacking or armed carjacking occurred.

§ 37.54. Carjacking Punished.

(a) Carjacking is a first degree felony and any person found guilty under § 37.50 *shall* be sentenced to a term of imprisonment of which *at least* ten (10) years *may not* be suspended or reduced by the court.

(b) The sentence imposed for carjacking *shall* run consecutively to any sentence for other crimes committed in conjunction with the carjacking.

§ 37.55. Armed Carjacking Punished.

(a) Armed carjacking is a first degree felony and any person found guilty under § 37.51 *shall* be sentenced to a term of imprisonment of which *at least* fifteen (15) years *may not* be suspended or reduced by the court.

(b) The sentence imposed for armed carjacking *shall* run consecutively to any sentence for other crimes committed in conjunction with the carjacking."