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. 272-32 (COR), "AN ACT TO *ADD* A NEW § 80.37.6 TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENHANCED SENTENCES FOR VULNERABLE VICTIMS, WHICH MAY BE CITED AS THE "VULNERABLE VICTIMS ACT OF 2014,"** was on the 15th day of April, 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 16 day of April, 2014, at 1:10 o'clock P.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
2014 (SECOND) Regular Session

FILE

Bill No. 272-32 (COR)
As amended on the Floor.

Introduced by:

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

AN ACT TO *ADD* A NEW § 80.37.6 TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENHANCED SENTENCES FOR VULNERABLE VICTIMS, WHICH MAY BE CITED AS THE "VULNERABLE VICTIMS ACT OF 2014."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that crimes committed against any individual, no matter how large or how small, is *not* acceptable. However, certain groups of people are more vulnerable to falling victim to crime. It is impendent on the government to ensure that these "vulnerable victims" are given the utmost protection and recourse under the law.

Therefore, it is the intent of *I Liheslaturan Guåhan* to establish a vulnerable victims sentencing enhancement for individuals who commit crimes against especially vulnerable individuals in our society.

Section 2. A new § 80.37.6 of Chapter 80, Title 9, Guam Code Annotated, is hereby *added* to read:

"**§ 80.37.6. Vulnerable Victim Sentencing Enhancement.**

(a) Whoever commits or attempts to commit upon a vulnerable victim, a violent felony as defined in 9 GCA, §80.70, or theft as a second degree or third degree felony under 9 GCA, §43.15, §43.20, §43.30, §43.35, §43.40, §43.45, §43.50, §43.55, or §43.60, or crimes of forgery or fraudulent practices under 9 GCA, §46.10, §46.15, §46.20, §46.25, § 46.35, §46.50, §46.75, or §46.80, *shall*, in addition to the sentence imposed for the commission of such felony, be imprisoned for a term of *not less than* five years *nor more than* twenty-five years, or *shall,* in addition to the sentence imposed for the commission of a misdemeanor or petty misdemeanor, be imprisoned for a term of *not less than* sixty days *nor more* than one year.

(b) A sentence imposed under Subsection (a) of this Section for a felony *shall* include a special parole term of *not less than* three years *nor more than* five years, in addition to the term of imprisonment. No person convicted and sentenced under this Section for a felony shall be eligible for parole or probation until he serves *at least* five years in prison, or no person convicted and sentenced under this Section for a misdemeanor or petty misdemeanor shall be eligible for probation until he serves *at least* sixty days in jail or prison.

(c) A vulnerable victim is defined as the following:

(1) an elderly person or senior citizen who is fifty-five years old or older at the time of the crime committed upon him or her;

(2) a child who is thirteen years old or younger at the time of the crime committed upon him or her;

(3) a tourist or visitor (A) who is a citizen and resident of a country other than the United States, or its territories, and visiting Guam with a round-trip airline ticket for a duration of *no more than* forty-five days, or (B) who is a citizen or national or permanent resident of the United States, but is *not* a resident of Guam, and is visiting Guam with a round-trip airline ticket for a duration of *no more than* forty-five days;

(4) an individual who at the time of the crime committed upon him or her has a physical or mental disability or disabilities, as defined in a provision of local or federal law, or as certified by a physician or mental health professional; or

(5) any person who is a victim of a crime, as identified in this Act, committed by two or more individuals."

Section 3. Effective Date. This Act *shall* be effective upon enactment.

Section 4. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 272-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall
April 15, 2014

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓	I			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL	15				
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass