

**8 GCA CRIMINAL PROCEDURE**  
**CH. 10 TIME OF COMMENCING CRIMINAL ACTIONS**

**CHAPTER 10**  
**TIME OF COMMENCING CRIMINAL ACTIONS**

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**§ 10.10. No Limit on Murder Prosecutions.**

A prosecution for murder may be commenced at any time.

**COMMENT:** Section 10.10 continues a portion of former § 799; it reflects, however, a decision that murder stands alone and merits treatment different from all other serious crimes. See 9 GCA § 16.30. This decision is also reflected in Model Penal Code § 1.06 and 1 New Jersey Criminal Law Revision Commission, New Jersey Penal Code § 2C:1-6 (Final Report 1971).

**§ 10.15. Limitation on Sex Crimes, Kidnapping, Child Pornography and Family Violence.**

A prosecution for a violation of Chapters 22, 25, 25.1, 28 and 30 of Title 9 GCA, or a violation of Chapter 13 of Title 9 GCA, committed in conjunction with a violation of Chapters 22, 25, 25.1 and 30 of Title 9 GCA, involving a person under the age of majority, may be commenced up to three (3) years after the minor reaches the age of majority.

**SOURCE:** Added by P.L. 21-89:1 (1/27/92), amended by P.L. 30-049:1 (July 14, 2009).

**§ 10.16. No Limitation on Sex Crimes Committed Against Victims Under the Age of Majority.**

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If the offense is a violation of Chapter 25 of Title 9, Guam Code Annotated, and the victim was under the age of majority or the victim's mental comprehension and capacity was below the age of adolescence at the time the offense was committed, a prosecution of the offense may be commenced at any time. This Section applies to any such offense *except* an offense the prosecution of which would have been *barred* by § 10.15 of this Chapter on or before enactment of this Act.

**SOURCE:** Added by P.L. 31-006:2 (Mar. 9, 2011).

**§ 10.17. No Limitation on Crimes of First or Second Degree Criminal Sexual Conduct.**

If the offense is a violation of § 25.15 or § 25.20 of Chapter 25, Title 9, Guam Code Annotated, a prosecution of the offense may be commenced at any time. This Section applies to any such offense *except* an offense the prosecution of which would have been barred by § 10.15 or § 10.20 of this Chapter on or before enactment of this Act.

**SOURCE:** Added by P.L. 31-069:1 (May 24, 2011).

**§ 10.20. Statute of Limitation of Felonies.**

- (a) A prosecution of murder shall have no statute of limitation;
- (b) A prosecution of criminal sexual conduct involving persons under the age of consent shall be in accordance with § 10.15 of this Title;
- (c) A prosecution for any other felony shall be commenced within three (3) years after it is committed.

**SOURCE:** Section 10.20 repealed/reenacted by P.L. 21-89:2 (1/27/92).

**§ 10.25. Definition of Age of Consent.**

For purposes of this Chapter, *age of consent* means the age of sixteen (16).

**SOURCE:** Added by P.L. 21-89:3 (1/27/92).

**COMMENT:** (Original Enactment): Section 10.20 continues the substance of former § 800 except, of course, it now includes all felonies other than murder. See also §§ 10.60; 10.70. Sections 10.20 and 10.30 are, of course, subject to specific exceptions provided in other codes. See, e.g., Civ. Code § 1322 (limitation of actions under Horizontal Property Act).

**§ 10.30. All Other Non-Felonies - Limitation.**

A prosecution for any offense which is not a felony shall be commenced within (1) year after it is committed.

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**COMMENT:** Section 10.30 continues the substance of former § 801. See also §§ 10.60 (time offense committed); 10.70 (time prosecution commenced).

**§ 10.40. Exception for Public Officers.**

Notwithstanding §§ 10.20 and 10.30, a prosecution may be commenced against a public officer or employee or any person acting in complicity with such public officer or employee for any offense based upon misconduct in office by such public officer or employee at any time while such public officer or employee continues in public office or employment or within three (3) years thereafter.

**COMMENT:** Section 10.40 is based on Model Penal Code § 1.063(3)(b) and 1 New Jersey Criminal Law Revision Commission, New Jersey Penal Code § 2C:1-6 (Final Report 1971). Under former § 799 there was no time limitation imposed on a prosecution for the theft of public monies or falsification of public records, but there was no exception for misdeeds generally by a public officer. Section 10.40 now covers all offenses but its coverage is limited to the public official, employee or his accomplice and merely extends the applicable period; it does not completely eliminate it.

**§ 10.50. When Time Stops Running Temporarily.**

The periods of limitation provided by this Chapter do not run during any time when a criminal action against the defendant for the same conduct is pending in this Territory, even if the accusatory pleading is later set aside, the action is later dismissed, or the conviction is later reversed upon appeal or set aside as a result of a post-conviction proceeding.

**COMMENT:** Section 10.50 is based on Model Penal Code § 1.06(6)(b). Contract former § 802. It adopts the approach recommended by the New Jersey Criminal Law Revision Commission and eliminates the need for special tolling provisions by permitting the prosecuting attorney to file a complaint (or indictment) and have a warrant issued and thereby stop the running of any period of limitations. See 2 New Jersey Criminal Law Revision Commission, New Jersey Penal Code § 2C:1-6, at 17 (Final Report 1971).

**§ 10.60. When Offense Is Committed.**

An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

**COMMENT:** Section 10.60 is based on Model Penal Code § 1.06(4). See also 2 New Jersey Criminal Law Revision Commission, New Jersey Penal Code § 2C:1-6, at 15-16 (Final Report 1971).

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**§ 10.70. Prosecution Commenced; When.**

A prosecution is commenced when either an indictment is presented in open court and there received and filed or a complaint is filed.

**COMMENT:** Section 10.70 continues the substance of former § 803. See also Model Penal Code § 1.06(5); 1 New Jersey Criminal Law Revision Commission, New Jersey Penal Code § 2C:1-6(e) (Final Report 1971).

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