

**9 GCA CRIMES AND CORRECTIONS
CH. 70 MISCELLANEOUS CRIMES**

**CHAPTER 70
MISCELLANEOUS CRIMES**

2021 NOTE: This chapter has been dramatically reorganized by the Compiler pursuant to the authority granted by 1 GCA § 1606.

Article 1 is now comprised of the provisions addressed in P.L. 35-144 (Jan. 22, 2021), entitled Protecting Animal Welfare and Safety (PAWS) Act (Pugua’s Law).

The following provisions in Chapter 70 were either renumbered and “recodified” in other chapters in Title 9, GCA that addressed substantive offenses, or were renumbered as part of a new Article 4 entitled “Miscellaneous Criminal Offenses.

| Former | Title | New |
|------------|--|----------|
| § 70.15. | Endangering Health & Safety: Defined; Penalty. | § 61.55 |
| § 70.16. | Tattoos, Brands, Scarifications and Piercings; Minors; Violation; Classification; Anesthesia; Defense; Definition. | § 70.410 |
| § 70.20. | Creation of Hazards on Land: Penalty. | § 61.60 |
| § 70.25. | Jet Ski Operation, Tumon Bay. | § 70.420 |
| § 70.30. | Creation of Certain Hazards; Oil Pollution by Vessels: Definitions; Penalty. | § 61.65 |
| § 70.35. | Invasion of Privacy or Criminal Voyeurism and Video Voyeurism; Penalty; Definitions. | § 28.70 |
| § 70.40. | Unlawful Use of Telephone; Defined & Punished. | § 70.430 |
| § 70.40.1. | Obscene Telephone Service Prohibited; Penalty. | § 28.71 |
| § 70.40.2. | Certain Obscene Telephone Communications Prohibited; Penalty. | § 28.72 |
| § 70.41. | Destruction of Property: Penalty. | § 34.90 |
| § 70.42. | Discharge of Firearms. | § 61.70 |
| § 70.43. | Same. | § 61.70 |
| § 70.44. | Revealing Expunged Record Prohibited. | § 70.440 |
| § 70.44.2 | Leaving Children Unattended or | § 31.70 |

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| | Unsupervised in Motor Vehicles; Penalty; Authority of Law Enforcement Officer. | |
| § 70.44.3. | Blacklisting Employees. | § 70.40 |
| § 70.44.4 | Possession of Cannabis by Persons Under Twenty-One (21) Years of Age | § 70.330 |

This publication does not include § 70.44.1, Selling Tobacco to Minors, added by P.L. 21-025:2 (May 17, 1991), as this provision had previously been repealed by P.L. 24-278:4 (Oct. 16, 1998).

Comments and other annotations for each provision were retained as part of the “recodification” process.

In light of the reorganization of this Chapter, the following Comment from past publications of the GCA, is no longer applicable:

COMMENT: Most, if not all, of the offenses set forth in this Chapter could be dealt with in one of the previous Chapters, but not without greater distortion of those Chapters than is thought desirable.

All of the crimes covered by this Chapter are found in the Penal Code. However, these Sections have been modernized in line with the intent of this Code.

2014 NOTE: Unless otherwise indicated, the Comments are the original annotations from the Criminal and Correctional Code (1977), enacted by P.L. 32-185 (Sept. 2, 1976). These annotations were included when the Criminal and Correctional Code (1977) was “recodified” as Title 9 of the Guam Code Annotated pursuant to P.L. 15-104:8 (Mar. 5, 1980). These original annotations were retained in past print publications of the GCA, and are included herein for historical purposes. The Source notes, however, have been updated to reflect subsequent changes to each provision.

- Article 1. Protecting Animal Welfare and Safety (PAWS) Act (Pugua’s Law).
- Article 2. Discrimination in Housing Accommodations.
- Article 3. The Guam Social Host Act.
- Article 4. Miscellaneous Criminal Offenses.

**ARTICLE 1
PROTECTING ANIMAL WELFARE AND SAFETY (PAWS) ACT
(PUGUA’S LAW)**

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2021 NOTE: P.L. 35-144 (Jan. 22, 2021), amended, added, and renumbered §§ 70.10 to 70.10.15. Pursuant to the authority granted by 1 GCA § 1606, these provisions have been renumbered (where applicable) as §§ 70.10 to 70.85, and codified under Article 1, renamed Protecting Animal Welfare and Safety (PAWS) Act (Pugua’s Law).

P.L. 35-144:3 (Jan. 22, 2021) provided: “All fines and penalties collected for violations pursuant to §§ 70.10 through 70.10.15 of Article 1, Chapter 70, Title 9, Guam Code Annotated, shall be deposited in the ‘Rabies Prevention Fund’ as established in § 34307 of Article 3, Chapter 34, Title 10, Guam Code Annotated.”

- § 70.10. Title.
- § 70.15. Definitions.
- § 70.20. Animal Neglect.
- § 70.25. Animal Abuse.
- § 70.30. Aggravated Animal Abuse.
- § 70.35. Animal Fighting.
- § 70.40. Sexual Assault of an Animal.
- § 70.45. Bodily Alterations, Disablements, or Removals.
- § 70.50. Animal Abandonment.
- § 70.55. Failure of a Motorist to Render Aid to an Injured Animal.
- § 70.60. Leaving Animals Unattended in Motor Vehicles; Penalty; Authority of Officers.
- § 70.65. Defenses; Exceptions.
- § 70.70. Euthanasia Procedures.
- § 70.75. Pre-Trial Provisions.
- § 70.80. Sentencing Provisions.
- § 70.85. Civil Right of Action for the Wrongful Injury or Death of an Animal.

§ 70.10. Title.

Sections 70.10 through 70.85 of this Article may be cited as the *Protecting Animal Welfare and Safety (PAWS) Act* or *Pugua’s Law*.

SOURCE: Renamed and amended by P.L. 35-144:2 (Jan. 22, 2021).

2021 NOTE: This provision was formerly entitled “Cruelty to Animals: Defined; Exceptions; Penalty,” which included the following annotation:

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SOURCE: G.P.C. §§ 384a, 596-596b, 599a, 599b; M.P.C. § 250.11; Cal. §§ 1440-1442 (1971); Mass. ch. 269, § 11; *N.J. § 2C:33-11. Amended by P.L. 31-005:4 (Mar. 9, 2011).

Former § 70.10 was apparently implicitly repealed by P.L. 35-144 (Jan. 22, 2021), which established new criminal offenses for abuse of animals.

§ 70.15. Definitions.

For the purposes of §§ 70.10 through 70.85 of this Article:

(a) *Animal* means any nonhuman mammal, bird, reptile, amphibian, or fish, and is inclusive of, but not limited to, livestock and domestic animals.

(b) *Caregiving agency* means an animal shelter, humane society, or other animal care agency that has as its principal purpose the humane treatment of animals, and that has temporary custody of an animal after the animal has been seized.

(c) *Domestic animal* means any animal, other than livestock, that is owned by a person or in a person's possession.

(d) *Good animal husbandry* includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, or the ear cropping and tail docking of dogs, according to accepted practices of veterinary medicine or animal husbandry.

(e) *Guardian* means a person who has possession, title, ownership interest, or other legal interest in an animal.

(f) *Livestock* means cattle, carabao, swine, deer, sheep, goats, equine, and poultry raised for labor, food, or other purposes.

(g) *Minimum care* means care reasonably sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the guardian, includes, but is not limited to, the following requirements:

- (1) open or adequate access to food of reasonable

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quantity and quality to allow for normal growth or maintenance of body weight;

(2) open or adequate access to potable water of reasonable quality and quantity to satisfy the animal's needs;

(3) access to a structure reasonably sufficient to protect the animal from wind, rain, sun, or other environmental or weather conditions;

(4) veterinary and other care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease;

(5) for a domestic animal, continuous access to an area:

(A) with reasonably adequate space for exercise necessary for the health of the animal;

(B) with air temperature reasonably suitable for the health of the domestic animal;

(C) with adequate ventilation;

(D) with regular diurnal lighting cycles of either natural or artificial light; and

(E) kept reasonably clean and free from excess waste or other contaminants that could affect the health of the animal(s).

(h) *Officer* means a member of the Guam Police Department, a Mayor of Guam, an Animal Control Officer, a Conservation Officer, or any other person authorized by law by the Chief of the Guam Police Department or by the Director of the Department of Agriculture.

(i) *Person* means an individual, corporation, trust, partnership, association, or any other legal entity.

(j) *Physical injury* means physical trauma, impairment of condition, or pain or illness produced by violence or by a thermal or chemical agent, and includes, but is not limited to, starvation, dehydration, hypothermia,

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hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.

(k) *Physical trauma* means fractures, cuts, punctures, bruises, burns, or other wounds.

(l) *Possession* means to have physical custody or to exercise dominion with intent of ownership or control over an animal.

(m) *Serious physical injury* means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a limb, body part, or bodily organ.

(n) *Torture* means an action taken with the intent of inflicting or prolonging pain or suffering.

(o) *Suffering* means fear, agitation, severe depression or stress, or other forms of severe emotional or mental distress.

SOURCE: Added as § 70.10.1 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.15 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: Past publications of the GCA included § 70.01 entitled “Cruelty to Animals; Definitions,” which had been added by P.L. 31-005:3 (Mar. 9, 2011). Former § 70.01 was apparently implicitly repealed by P.L. 35-144 (Jan. 22, 2021).

This provision was formerly entitled “Endangering Health & Safety: Defined; Penalty”; it was renumbered to § 61.55 by the Compiler as part of the reorganization of Chapter 70.

§ 70.20. Animal Neglect (Violation).

(a) A person commits the offense of Animal Neglect if, except as otherwise authorized by § 70.65 of this Article, the person intentionally, knowingly, or recklessly fails to provide minimum care for an animal in the person’s possession.

(b) Animal Neglect is an offense punishable by a fine of not more than Five Hundred Dollars (\$500) per offense.

(c) Each act or omission in violation of Subsection (a) of this Section shall constitute a separate offense.

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SOURCE: Renamed and added as § 70.10.2 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.20 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: P.L. 35-144:2 (Jan. 22, 2021) added this provision as § 70.10.2, apparently implicitly repealing former § 70.10.2 entitled “Animal Abandonment,” which had been added by P.L. 31-005:3 (Mar. 9, 2011). The offense of Animal Abandonment is now codified at § 70.50.

This provision was formerly entitled “Creation of Hazards on Land: Penalty”; it was renumbered to § 61.60 by the Compiler as part of the reorganization of Chapter 70.

§ 70.25. Animal Abuse.

(a) A person commits the crime of Animal Abuse if, except as otherwise authorized by § 70.65 of this Article, the person intentionally, knowingly, recklessly, or with criminal negligence:

- (1) causes physical injury to an animal;
- (2) causes serious physical injury to an animal; or
- (3) causes the death of an animal.

(b) Animal Abuse under Subsection (a)(1) of this Section is a misdemeanor. Animal Abuse under Subsection (a)(2) or (a)(3) of this Section is a third degree felony.

(c) Each act or omission in violation of Subsection (a) of this Section shall constitute a separate offense.

SOURCE: Renamed and added as § 70.10.3 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.25 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: P.L. 35-144:2 (Jan. 22, 2021) added this provision as § 70.10.3, formerly entitled “Authority to Enter Premises and Court Proceedings,” which had been added by P.L. 31-005:7 (Mar. 9, 2011), and repealed and reenacted as 9 GCA § 34127 by P.L. 35-121:4 Dec. 11, 2020).

Past publications of the GCA included § 70.10.1 entitled “Animal Abuse in the First Degree,” which had been added by P.L. 31-005:5 (Mar. 9, 2011) and was apparently implicitly repealed by P.L. 35-144 (Jan. 22, 2021).

This provision was formerly entitled “Jet Ski Operation, Tumon Bay”; it was renumbered to § 70.420 by the Compiler as part of the reorganization of Chapter 70.

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§ 70.30. Aggravated Animal Abuse.

(a) A person commits the crime of Aggravated Animal Abuse if, except as otherwise authorized by § 70.65 of this Article, the person intentionally, knowingly, recklessly, or with criminal negligence:

(1) tortures an animal; or

(2) causes the death of an animal under circumstances demonstrating malice aforethought.

(b) Aggravated Animal Abuse is a second degree felony.

(c) Each act or omission in violation of Subsection (a) of this Section shall constitute a separate offense.

SOURCE: Added as § 70.10.4 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.30 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law. Past publications of the GCA included § 70.10.1 entitled “Animal Abuse in the First Degree,” which had been added by P.L. 31-005:5 (Mar. 9, 2011).

This provision was formerly entitled “Creation of Certain Hazards; Oil Pollution by Vessels: Definitions: Penalty”; it was renumbered to § 61.65 by the Compiler as part of the reorganization of Chapter 70.

§ 70.35. Animal Fighting.

(a) No person shall cause, sponsor, aid, abet, arrange, hold, or encourage any animal to fight, menace, or injure another animal for the purpose of sport, amusement, or pecuniary gain. This Section does not apply to cockfighting that is authorized by law.

(b) For the purposes of this Section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:

(1) is knowingly present at or wagers on such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;

(2) owns, trains, transports, possesses, has custody or control of, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of

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fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;

(3) knowingly allows any such occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;

(4) knowingly allows any animal to be used for such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by the person;

(5) knowingly advertises or uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or

(6) knowingly possesses, owns, buys, sells, transfers, or manufactures any animal used for fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to train or enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.

(c) Any violation of Subsection (a) of this Section shall constitute Animal Fighting, which is a third degree felony.

(d) Notwithstanding any other provision of law, the penalty for a violation of Subsection (a) of this Section shall be confinement in a correctional facility in accordance with Article 2 of 9 GCA Chapter 80 and a fine of not less than Five Thousand Dollars (\$5,000) and no more than Fifteen Thousand Dollars (\$15,000), or both, per violation. Additionally, any person convicted of any violation of this Section may be subject to seizure of any personal property, including vehicles, and real property at which the animal fight was staged.

(e) Nothing in this Section shall constitute a prohibition or ban on the possession, lawful importation/exportation, breeding, or selling of any breed of dog.

(f) Veterinarians and/or physicians and/or health

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professionals are required to report suspected animal fighting incidents, excluding cockfighting as authorized by law, that come to their attention through the provision of medical services to an animal to the Guam Police Department within five (5) days of learning of animal fighting incidents. Failure to do so shall result in potential loss of licensure if deemed appropriate by the appropriate licensure agencies. Any veterinarians, physicians, or health professionals making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

SOURCE: Added as § 70.10.5 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.35 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law. Past publications of the GCA included § 70.11 entitled “Dogfighting: Defined: Penalty,” which had been added by P.L. 29-096 (July 22, 2008) and was apparently implicitly repealed by P.L. 35-144:2 (Jan. 22, 2021)

This provision was formerly entitled “Invasion of Privacy or Criminal Voyeurism and Video Voyeurism; Penalty; Definitions.”; it was renumbered to § 28.70 by the Compiler as part of the reorganization of Chapter 70.

§ 70.40. Sexual Assault of an Animal.

(a) A person commits the crime of Sexual Assault of an Animal if the person knowingly:

(1) touches or contacts, or causes an object or another person to touch or contact, the mouth, anus, or sex organs of an animal or animal carcass for the purpose of arousing or gratifying the sexual desire of a person; or

(2) causes an animal or animal carcass to touch or contact, the mouth, anus, or sex organs of a person for the purpose of arousing or gratifying the sexual desire of a person.

(b) Sexual Assault of an Animal is a third degree felony.

(c) Each act in violation of Subsection (a) of this Section shall constitute a separate offense.

SOURCE: Added as § 70.10.6 by P.L. 35-144:2 (Jan. 22, 2021) , renumbered to § 70.40 by the Compiler pursuant to 1 GCA § 1606.

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2021 NOTE: This offense did not exist under prior Guam law.

This provision was formerly entitled “Unlawful Use of Telephone; Defined & Punished”; it was renumbered to § 70.430 by the Compiler as part of the reorganization of Chapter 70.

§ 70.45. Bodily Alterations, Disablements, or Removals.

(a) It is unlawful for any person to remove or permanently alter or disable, or cause or procure to be removed or permanently altered or disabled, any part or organ, or the function of any part or organ, of an animal, except as necessary for proper and lawful veterinary care, population control, or good animal husbandry; provided, that population control or good animal husbandry is under the supervision or instruction of a licensed veterinarian, and:

(1) all surgical procedures must be performed or supervised by a licensed veterinarian in accordance with the American Veterinarian Medical Association policy, and the veterinarian shall counsel pet owners about the matter before agreeing to perform these surgeries and shall record said consultation in the pet’s record; and

(2) any person performing procedures for population control of livestock or good animal husbandry for livestock may do so without direct supervision of a licensed veterinarian; provided, that said person has been properly trained by a licensed veterinarian and properly conducts said procedures in accordance with generally accepted industry standards.

(b) A violation of Subsection (a) of this Section is a misdemeanor.

(c) Each act in violation of Subsection (a) of this Section shall constitute a separate offense.

SOURCE: Added as § 70.10.7 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.45 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law.

This provision was formerly entitled “Declaration of Policy” under Article 2; it was renumbered to § 70.210 by the Compiler as part of the reorganization of Chapter 70.

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§ 70.50. Animal Abandonment.

(a) A person commits the offense of Animal Abandonment if the person intentionally, knowingly, or recklessly leaves a domestic animal at a location without providing for the animal's minimum care as defined in § 70.10.1(g) of this Article.

(b) Animal Abandonment is a violation that shall be subject to a fine of not more than Five Hundred Dollars (\$500).

(c) Each act in violation of Subsection (a) of this Section shall constitute a separate offense.

SOURCE: Added as § 70.10.8 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.50 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: Past publications of the GCA included § 70.10.2 entitled "Animal Abandonment" which had been added by P.L. 31-005:6 (Mar. 9, 2011) and was apparently implicitly repealed by P.L. 35-144 (Jan. 22, 2021).

This provision was formerly entitled "Other Remedies" under Article 2; it was renumbered to § 70.260 by the Compiler as part of the reorganization of Chapter 70.

§ 70.55. Failure of a Motorist to Render Aid to an Injured Animal.

(a) A person who, while operating a motor vehicle, knowingly injures or kills a cat, dog, or livestock, excluding chickens, shall stop and render such assistance as may be possible and safe to provide, and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, or it is unsafe to make contact with the animal's owner, the operator of the motor vehicle shall immediately report the accident and location to a peace officer or animal control officer.

(b) A violation of Subsection (a) of this Section shall be punishable by a fine of not more than Three Hundred Dollars (\$300) per offense.

SOURCE: Added as § 70.10.9 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 7055 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law.

§ 70.60. Leaving Animals Unattended in Motor Vehicles;

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Penalty; Authority of Officers.

(a) For the purposes of this Section:

(1) *Vehicle* means a car, truck, camper, trailer, or other form of transportation in which an animal can be transported.

(2) *Extreme temperature* means an extremely cold or high temperature, inside or outside of a vehicle, that could endanger an animal's health, safety, or well-being.

(b) A person shall not confine an animal in a vehicle in a manner that could reasonably be expected to threaten the health, safety, and well-being of the animal due to conditions that include, but are not limited to, extreme temperatures, lack of adequate ventilation, lack of food or water, or confinement with a vicious or dangerous animal, or other circumstances that could reasonably be expected to cause suffering, disability, physical injury, or death to the animal.

(c) After making reasonable efforts to locate the vehicle's owner, an animal control officer, peace officer, law enforcement officer, or firefighter may enter a vehicle by any reasonable means to protect the health, safety and well-being of an animal who is endangered by confinement in a vehicle. A peace officer, law enforcement officer, animal control officer, or firefighter may enter the vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.

(d) An animal control officer, peace officer, law enforcement officer, or firefighter who removes or otherwise retrieves an animal under this Section shall:

(1) leave written notice in a secure and conspicuous location on or in the vehicle bearing the officer's or firefighter's name and title, and the address of the location where the animal may be retrieved; and

(2) take the animal to a veterinary clinic or animal shelter for a health screening and treatment.

(e) An animal control officer, peace officer, law enforcement officer, or firefighter who removes or otherwise

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retrieves an animal from a vehicle under this Section shall be immune from criminal or civil liability that might otherwise result from the removal.

(f) Penalties.

(1) A person in violation of Subsection (b) of this Section shall be subject to a fine of not more than Five Hundred Dollars (\$500).

(2) The owner may retrieve the animal removed by an officer or firefighter only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

SOURCE: Added as § 70.10.10 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.60 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law.

§ 70.65. Defenses; Exceptions.

(a) It is an affirmative defense in a prosecution for violation of animal abuse under § 70.25 (a) of this Article if:

(1) the defendant reasonably and humanely caused the death of the animal to end its immediate and intractable suffering; or

(2) the animal posed a present and immediate danger to the safety of people, and the defendant took reasonable measures necessary to protect against serious bodily harm, or death, to themselves or other people, livestock, or domestic animals.

(b) Ownership shall not be a defense.

(c) Guardianship shall not be a defense.

(d) Trespass by an animal shall not be a defense.

(e) Corporations and other nonhuman legal entities may be concurrently charged for acts in violation of any animal protection offense committed by their employees or agents when the act is committed in the normal course and scope of the employment or agency.

(f) It is no defense to the crime of animal abandonment that

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the defendant abandoned the animal at or near an animal shelter, veterinary clinic, or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(g) Sections 70.10 to 70.85 of this Article shall not apply to:

(1) the proper shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;

(2) cockfighting in a manner and at such times and places as are authorized by law;

(3) the proper killing of animals used for food, except for dogs and cats, in accordance with the law;

(4) the proper disinfestation of rodents and brown tree snakes;

(5) animals properly used for education or research purposes by, or under the oversight of, the Guam Community College or the University of Guam; provided, that proper Institutional Review Board procedures and all applicable local and federal laws are followed;

(6) euthanasia as properly conducted by a licensed veterinarian, or individual authorized by § 70.70 of this Article, and done in accordance with local law and generally accepted industry practice;

(7) the proper disinfestation of animals deemed a disease vector and threat to public health by the Department of Public and Social Services; provided, that disinfestation is done in accordance with established procedures approved by said Department;

(8) the proper disinfestation of species deemed invasive to Guam by the Guam Invasive Species Council; provided, that disinfestation is done in accordance with established procedures approved by said Council.

(A) Subsection (g)(8) of this Section shall not pertain to cats or dogs, except as authorized by the Director of the Department of Agriculture, and such disinfestation efforts are done in accordance with

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accepted practices of veterinary medicine and procedures approved by the Council.

SOURCE: Added as § 70.10.11 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.65 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law.

§ 70.70. Euthanasia Procedures.

(a) Unless otherwise authorized by law, sodium pentobarbital and such other agents as may be specifically approved by the Guam Board of Allied Health Examiners shall be the only methods used for euthanasia of an animal. A lethal solution shall be used in the following order of preference:

- (1) intravenous injection by hypodermic needle;
- (2) intraperitoneal injection by hypodermic needle;
- (3) intracardial injection by hypodermic needle, but only if performed on heavily sedated, anesthetized, or comatose animals; or
- (4) solution or powder added to food.

(b) An animal may be tranquilized with an approved and humane substance before euthanasia is performed.

(c) Succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium, potassium, or any substance which acts as a neuromuscular blocking agent, or any chamber which causes a change in body oxygen, may not be used on any animal for the purpose of euthanasia.

(d) Euthanasia shall be performed only by a licensed veterinarian, trained animal control officers, or an employee or agent, in accordance with § 121906 of Article 19, Part 2, Chapter 12, Title 10, Guam Code Annotated.

(e) An animal may not be left unattended between the time euthanasia procedures are first begun and the time that death occurs, and the animal's body may not be disposed of until a licensed veterinarian, or person, as authorized by § 121906 of Article 19, Part 2, Chapter 12, Title 10, Guam Code Annotated, confirms death.

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(f) Notwithstanding the provisions of this Section or any other law to the contrary, whenever an emergency situation exists which requires the immediate euthanasia of a seriously injured, dangerous, or severely diseased animal, a peace officer or veterinarian may humanely destroy the animal.

(g) The remains of the euthanized animal shall be properly disposed of in accordance with Guam law.

(h) Any violation of this Section is a misdemeanor.

(i) Each act or omission in violation of this Section shall constitute a separate offense.

SOURCE: Added as § 70.10.12 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.70 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law.

§ 70.75. Pre-Trial Provisions.

(a) Reporting and Immunity.

(1) The following designees, having a good-faith belief that any animal with whom the designee comes in contact has suffered a violation of this Article or that any person with whom the designee comes in contact has committed a violation of this Article, may report, or cause a report to be made to the Animal Control Division of the Department of Agriculture:

(A) a police officer; or

(B) a licensed social worker.

(2) Any designee making a report under this Subsection shall not be required to report such information communicated by a person if the communication is privileged under Guam law.

(3) Any designee making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

(b) Law Enforcement Policies.

(1) All officers as defined in § 70.15 of this Article

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have the duty and responsibility to enforce this Article to the extent authorized by law.

(2) All volunteer animal control officers, volunteer conservation officers, or similar volunteer law enforcement officers, whose positions are established by the government of Guam, have the duty and responsibility to enforce this Article to the extent authorized by law.

(c) Seizure.

(1) Search and Seizure With a Warrant. If there is probable cause to believe that an animal is being subjected to treatment in violation of this Article, an officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal.

(2) Search and Seizure Without a Warrant. If an officer witnesses a situation in which the officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The officer shall immediately take an animal seized under this Subsection to a licensed veterinarian or animal shelter for medical attention to stabilize the animal's condition and to assess the health of the animal.

(3) Any person or facility receiving an animal seized pursuant to this Subsection shall provide the animal with minimum care.

(4) An officer shall not be liable for any damages for an entry under this Subsection.

(5) Any guardian of an animal that is impounded pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The written notice shall be posted at the place of seizure, or delivered to an employee at the place of impoundment, or by registered mail if the guardian is known.

(6) The guardian from whom an animal is seized pursuant to this Subsection shall, within seventy-two (72)

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hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The notice shall, at a minimum, be given by posting at the place of seizure, or by delivery to a person residing or working at the place of seizure, or by certified mail. Such notice shall include:

(A) the name, business address, and telephone number of the law enforcement entity responsible for seizing the animal;

(B) a description of the seized animal;

(C) the authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized; and

(D) a statement that the guardian is responsible for the cost of care for an animal who was lawfully seized, and that the guardian will be required to post a bond with the court to defray the cost of care or the animal will be deemed forfeited.

(d) Costs-of-Care Bonds.

(1) An animal that has been impounded pending outcome of a criminal case, including charges under this Article, may prevent disposition of the animal by a caregiving agency that has temporary custody of the animal by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty (30) days, including the day on which the animal was taken into custody.

(A) Such bond shall be filed with the court within ten (10) days after the animal is impounded. If a bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the owner, guardian, or person in possession of an animal, desires to prevent disposition of the animal

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by the custodial caregiving agency, a new bond shall be posted with the court within ten (10) days following the prior bond's expiration.

(B) If a new bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.

(C) However, nothing in this Subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.

(2) If a bond has been posted in accordance with Subsection (d)(1) of this Section, the custodial caregiving agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the seized animal from the date of initial seizure to the date of final disposition of the animal in the criminal action.

(e) Protective Orders.

(1) A mandatory restraining order is created against any person charged with a felony under this Article.

(2) The order may remain in effect from the time that the defendant is advised of their rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.

(3) The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:

(A) any animal(s) victimized by the acts charged;

(B) any guardian or owner, other than the defendant, of such animal(s); or

(C) any witness to the acts charged.

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(4) Any restraining order issued pursuant to Subsection (e) of this Section, shall be on a standardized form prescribed by the Superior Court of Guam.

(5) A copy of the restraining order shall be provided to the protected parties.

(6) The court may include an animal in any protective order authorized by this Article.

SOURCE: Added as § 70.10.13 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.75 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

This provision did not exist under prior Guam law.

§ 70.80. Sentencing Provisions.

(a) Community Service. In addition to any other sentence it may impose, the court may order the defendant to participate in community service. No such participation shall occur at any humane society, animal shelter, or other facility where an animal is present, unless first approved by said organization.

(b) Evaluation & Treatment.

(1) In addition to any other sentence it may impose, the court shall order the defendant convicted of a felony crime under this Article to undergo a psychiatric, psychological, or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate care or treatment.

(3) Treatment may include, but is not limited to, counseling and humane education classes.

(4) Treatment may be conducted in-person or online.

(5) All costs of the evaluation, care and treatment shall be borne by the defendant. However, if the court determines that the defendant is indigent, the government of Guam may provide access to government funded or government contracted service providers, if available.

(c) Education. The Department of Agriculture shall make

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available educational material and information regarding proper animal care and welfare to the defendant. At a minimum, such information shall be made available in printed form or online, as deemed appropriate by the Department of Agriculture.

(d) Forfeiture. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to forfeit all legal interest of the defendant in the animal subjected to the violation. The court shall award all such interest to the animal to a caregiving agency.

(e) Contact with Animals.

(1) In addition to any other penalty imposed by law, a court may require a defendant convicted of a felony under this Article to not own, possess, or have custody or control of any animal for a minimum period of five (5) years on a first offense; and for a minimum period of fifteen (15) years on a second or subsequent offense.

(2) A violation of this Subsection is a petty misdemeanor and shall result in the forfeiture of the offender's interest in the animal.

(3) Notwithstanding any other provision of law, an officer may immediately seize any animal found to be kept in violation of this Subsection.

(f) Reimbursement of Costs to Caregiving Agency. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to repay all reasonable costs incurred by any person or organization prior to judgment in seizing and providing minimum care for each animal subjected to mistreatment in violation of this Article.

(g) Restitution to Guardian. In addition to any other sentence it may impose, the court shall order that restitution be made by a defendant convicted under this Article to the guardian of any animal subjected to mistreatment by the defendant in violation of this Article. The measure for restitution shall be the actual pecuniary value of such loss, including, but not limited to, the actual veterinary expenses, special supplies, and other costs incurred by the animal's guardian in treating the animal and in

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attempting to restore the animal to good health or to otherwise ameliorate the effects of the criminal violation.

SOURCE: Added as § 70.10.14 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.80 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law.

§ 70.85. Civil Right of Action for the Wrongful Injury or Death of an Animal.

(a) Any person who, with no lawful authority, intentionally, knowingly, recklessly, or with criminal negligence causes physical injury to, or the death of, an animal shall be liable to the animal's guardian for the damages sustained by the guardian. The guardian of the animal may bring a civil action to recover such damages. Damages may include the pecuniary value of the animal; veterinary expenses incurred on behalf of the animal; any other expenses incurred by the guardian in attempting to ameliorate the effects of, or as a consequence of, the pain, suffering or injuries of the animal; any emotional distress and loss of companionship suffered by the guardian; all court costs and reasonable attorney's fees incurred in the prosecution of any action under this Section; and any other reasonable damages resulting from the physical injury or death of the animal.

(b) Restraining orders and other injunctive relief may be issued by the Superior Court of Guam as appropriate.

(c) The remedies provided in this Section are in addition to, and do not replace or supplant, any other remedies allowed by law.

(d) Commencement of a cause of action under this Section shall be brought within three (3) years from the date on which damages were first identified by the guardian.

SOURCE: Added as § 70.10.15 by P.L. 35-144:2 (Jan. 22, 2021), renumbered to § 70.85 by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: This offense did not exist under prior Guam law.

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**ARTICLE 2
DISCRIMINATION IN HOUSING ACCOMMODATIONS**

SOURCE: This entire Article was added as §§ 70.45 to 70.51 by P.L. 16-054 (Dec. 31, 1981), effective 90 days after enactment.

2021 NOTE: Pursuant to the authority of 1 GCA § 1606, the entire article was renumbered by the Compiler as part of the reorganization of Chapter 70.

- § 70.210. Declaration of Policy.
- § 70.220. Definitions.
- § 70.230. Unlawful Practices.
- § 70.240. Exemptions.
- § 70.250. Procedure.
- § 70.260. Other Remedies.
- § 70.270. Penalties.

§ 70.210. Declaration of Policy.

It is hereby declared to be the policy of the territory of Guam in the exercise of its police power for the public safety, public health and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any person.

§ 70.220. Definitions.

When used in this Article:

(a) Discrimination or discriminatory housing practice means any difference in treatment based upon race, color, religion, sex or national origin, or any act that is unlawful under this Article;

(b) Financial institution includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses;

(c) Housing accommodation or dwelling means any building, mobile home or trailer, structure or portion thereof which is occupied as or designed, or intended for occupancy as a residence by one or more families, and any vacant land

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which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure or portion thereof, or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection;

(d) Mortgage broker means an individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined in the Government Code;

(e) Open market means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease;

(f) Owner includes a lessee, sub-lessee, cotenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation;

(g) Person includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations;

(h) Real property includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums; and

(i) Real estate broker or real estate salesman includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business

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of charging an advance fee or contracting for collecting of a fee in connection with a contract whereby he undertakes or promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 70.230. Unlawful Practices.

In connection with any of the transactions set forth in this Section, which affect any housing accommodation on the open market or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the Territory for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(a) refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(b) to discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities of services in connection therewith;

(c) to refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(d) to refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(e) to represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to

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refuse to permit a person to inspect any housing accommodation, because of his race, color, religion or national origin, sex or place of birth;

(f) to make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form or application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination;

(g) to offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;

(h) to induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex or national origin or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(1) the lowering of property values in the area;

(2) an increase in criminal or antisocial behavior in the area; or

(3) a decline in the quality of schools serving the area;

(i) to make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above, or the sale, purchase, rental or

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lease of any housing accommodation in any area in the Territory for the purpose of including or attempting to induce any such listing or any of the above transactions;

(j) to engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;

(k) to retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Article;

(l) to aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Article, or to obstruct or prevent any person from complying with the provisions of this Article, or any order issued thereunder;

(m) by canvassing, to commit any unlawful practices prohibited by this Article;

(n) otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(o) for any bank, savings and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the

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present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or

(p) to deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, sex or national origin.

NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 70.240. Exemptions.

This Article shall not apply to:

(a) a religious organization, association or society or any nonprofit institution or organization operating, supervised or controlled by or in conjunction with a religious organization, association or society, which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin;

(b) a private club not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members;

(c) any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the

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exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this Article only if such house is sold or rented:

(1) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent or any such broker, agent, salesman or person; and

(2) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of § 70.47 of this Code; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title; or

(d) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently or each other, if the owner actually maintains and occupies one of such living quarters as his residence.

NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 70.250. Procedure.

Any person aggrieved by an unlawful practice prohibited by this Article may file a complaint with the Attorney General within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event shall exceed more than

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sixty (60) days after the alleged unlawful practice occurred. The Attorney General or his duly authorized representative shall investigate each complaint and attempt to resolve such complaint. Failure to achieve a resolution acceptable to both parties and in compliance with this Article shall cause the Attorney General to commence prosecution.

§ 70.260. Other Remedies.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled.

§ 70.270. Penalties.

Any person violating any provision of this Article shall, upon conviction thereof, be guilty of a misdemeanor.

ARTICLE 3
THE GUAM SOCIAL HOST ACT AND
POSSESSION OF CANNABIS BY
PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE

SOURCE: Entire Article added as §§ 70.52-70.53 by P.L. 32-001 (Mar. 6, 2013). Renumbered to §§ 70.310-70.320 pursuant to the authority of 1 GCA § 1606. Section 70.330 was not added as the Guam Social Host Act, but was renumbered by the Compiler as part of the reorganization of Chapter 70.

2021 NOTE: Pursuant to the authority of 1 GCA § 1606, the entire article was renumbered by the Compiler as part of the reorganization of Chapter 70.

CROSS REFERENCE: 11 GCA § 3619 (establishing the legal drinking age).

- § 70.310. Title.
- § 70.320. Intoxication of Persons Under the Age of Twenty-One.
- § 70.330. Possession of Cannabis by Persons Under Twenty-Years of Age.

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§ 70.310. Title.

This Article shall be known and may be cited as The Guam Social Host Act.

SOURCE: Added as § 70.52 by P.L. 32-001 (Mar. 6, 2013), renumbered to § 70.310 pursuant to the authority of 1 GCA § 1606.

§ 70.320. Intoxication of Persons Under the Age of Twenty-One.

(a) No person twenty-one (21) years or older shall knowingly give or otherwise make available any alcoholic beverage or cannabis to a person under the age of twenty-one (21) years. A person violates this Section who gives or otherwise makes available an alcoholic beverage or cannabis to a person under the age of twenty-one (21) with the knowledge that the person to whom the alcoholic beverage or cannabis is made available will violate this § 70.53.

(b) A person violates this Section who owns, occupies, or controls premises on which alcoholic beverages or cannabis are consumed by any person under twenty-one (21) years of age, and who knows of alcohol or cannabis consumption by persons under twenty-one (21) years of age on such premises, and who reasonably could have prohibited or prevented such alcohol or cannabis consumption.

(c) Any person who violates this Section:

(1) *shall* be punished by a fine of not more than Two Thousand Dollars (\$2,000) or by imprisonment for not more than one (1) year or both; and

(2) in addition to the sentence referenced in Subsection (c)(1) the court *may* require the violator to make restitution for any damages to property or a person caused by a violation of this § 70.53, and *may* require participation in volunteer service to a community service agency.

(d) The prohibitions of this Section apply only to a person who is present and in control of the location at the time the consumption occurs. The prohibitions of this Section do not apply to the owner of rental property, or the agent of an owner of rental

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property, unless the consumption occurs in the individual unit in which the owner or agent resides.

(e) This Section *shall not* apply to any religious practice, observance, or ceremony.

(f) The violations of this Section and the resulting penalties prescribed herein, *supra*, are in addition to other violations of public law related to alcoholic beverages or cannabis.

SOURCE: Added as § 70.53 by P.L. 32-001 (Mar. 6, 2013). Amended by P.L. 35-005:15 (April 4, 2019). Renumbered to § 70.320 pursuant to the authority of 1 GCA § 1606.

§ 70.330. Possession of Cannabis by Persons Under Twenty-one (21) Years of Age.

Any person under twenty-one (21) years of age possessing cannabis *shall* be guilty of a petty misdemeanor and subject to a One Hundred Dollar (\$100.00) fine and suspension of their driver's license for twelve (12) months for the first offense and a Two Hundred-Fifty Dollar (\$250.00) fine and suspension of their driver's license for an additional twelve (12) months for each subsequent possession. Suspension of one's driver's license *may* be waived by the court and replaced with one hundred (100) hours of community service for each possession if the guilty individual can demonstrate financial or personal hardship resulting from the loss of his or her driving privileges. The violation of this Section and the resulting penalties prescribed herein are in addition to other violations of public law related to cannabis possession.

SOURCE: Added as § 70.44.4 by P.L. 35-005:14 (April 4, 2019). Renumbered to § 70.330 pursuant to the authority of 1 GCA § 1606.

2021 NOTE: This provision was not enacted as part of Guam Social Host Act, but was renumbered by the Compiler pursuant to the authority of 1 GCA § 1606, as part of the reorganization of Chapter 70

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ARTICLE 4
MISCELLANEOUS CRIMINAL OFFENSES

2021 NOTE: This Article was created as part of the reorganization of Chapter 70, pursuant to the authority of 1 GCA § 1606.

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Article 1 was renamed Protecting Animal Welfare and Safety (PAWS) Act (Pugua's Law), to accommodate provisions enacted by P.L. 35-144 (Jan. 22, 2021). Provisions in Article 1 that could be categorized with related criminal offenses were renumbered and placed in other chapters of Title 9 GCA; however, provisions that could not be classified in existing chapters were renumbered and codified in this new Article 4.

- § 70.410 Tattoos, Brands, Scarifications and Piercings; Minors; Violation; Classification; Anesthesia; Defense; Definition.
- § 70.420. Jet Ski Operation, Tumon Bay.
- § 70.430. Unlawful Use of Telephone; Defined & Punished.
- § 70.440. Revealing Expunged Record Prohibited.
- § 70.450. Blacklisting Employees.

§ 70.410. Tattoos, Brands, Scarifications and Piercings; Minors; Violation; Classification; Anesthesia; Defense; Definition.

(a) It is unlawful to tattoo a person who is under eighteen (18) years of age without the physical presence of that person's parent or legal guardian.

(b) It is unlawful for a person who tattoos or pierces the body of another person to use a needle or ink more than once, or to use a needle that is not pre-sterilized or autoclaved.

(c) A person must be a licensed healthcare professional to administer any form of subcutaneous local anesthesia during the course of any procedure involving the branding, scarifying, tattooing or piercing of the body of another person.

(d) It is a defense to a prosecution for a violation of Subsection (a) that the person requested age identification, and relied in good faith on the accuracy of the information contained in the identification.

(e) A person who violates this Section is guilty of a misdemeanor.

(f) For the purposes of this Section, tattoo means any indelible design, letter, scroll, figure, symbol or other mark that is placed on or under the skin with ink or colors by the aid of needles

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or other instruments, and that cannot be removed without a surgical procedure or any design, letter, scroll, figure or symbol or other mark done by scarring on or under the skin.

SOURCE: Added as § 70.16 by P.L. 25-053:1 (June 30, 1999), renumbered as § 70.410 by the Compiler as part of the reorganization of Chapter 70.

§ 70.420. Jet Ski Operation, Tumon Bay and Pago Bay.

No person shall operate a jet ski or water ski within the reef along Tumon Bay and Pago Bay except that a jet ski may be operated in the channel to enter or exit Tumon Bay and Pago Bay. This prohibition shall not apply to the use of jet ski for emergency rescue or for law enforcement purposes. Any person who violates this Section is guilty of a misdemeanor.

SOURCE: Added as uncodified law by P.L. 17-086:5 (Jan. 4, 1985). Codified by the Compiler to § 70.25. Amended by P.L. 23-078:1 (Mar. 12, 1996). Renumbered as § 70.420 by the Compiler as part of the reorganization of Chapter 70.

§ 70.430. Unlawful Use of Telephone; Defined & Punished.

(a) A person is guilty of unlawfully using a telephone when he:

(1) refuses to relinquish immediately a party line or public telephone when informed that the party line or public telephone is needed for an emergency call to the Department of Public Safety, Armed Services Police, Air Sea Rescue or for medical aid or ambulance service; or

(2) secures the use of a party line or public telephone by falsely stating that such line or telephone is needed for an emergency.

(b) As used in this Section, party line means a subscriber's telephone circuit consisting of two (2) or more named telephone stations connected therewith, each station having a distinctive ring or telephone number.

(c) As used in this Section, public telephone means a telephone available for public use.

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(d) As used in this Section, emergency means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential.

(e) Unlawfully using a telephone, as defined in Paragraph (1) of Subsection (a) of this Section, is a misdemeanor. Otherwise, it is a violation.

SOURCE: G.P.C. §§ 640b, 643; *Cal. § 1412 (1971); N.J. § 2C:40-2. Codified as § 70.40. Renumbered as § 70.430 by the Compiler as part of the reorganization of Chapter 70.

COMMENT: Section 70.40 [70.430] replaces former Sections 640b and 643 of the Penal Code. Substantively, the only changes are to extend coverage to public telephone and to reduce the offense of securing a telephone unlawfully to a violation.

§ 70.440. Revealing Expunged Record Prohibited.

A person is guilty of a misdemeanor if he permits to be made public or reveals to any person not entitled to review it any official record of the court, Attorney General or any other entity of the government of Guam which has been expunged in accordance with § 271 of the Code of Civil Procedure or Chapter 11 of Title 8 GCA.

SOURCE: Added as § 70.45 by P.L. 16-068 (Mar. 10, 1982), , renumbered as § 70.44. Renumbered as § 70.440 by the Compiler as part of the reorganization of Chapter 70.

§ 70.450. Blacklisting Employees.

(a) If any person, agent, company, corporation, public official, or governmental agency, after having discharged any employee from his or its service, shall prevent or attempt to prevent by word or writing of any kind of untrue statement, or, in any manner, conspires or contrives, by correspondence or otherwise by means of an untrue statement, to prevent, such discharged employee from obtaining employment with any other person, company, corporation or governmental agency, such person, agent, corporation or public official is guilty of a petty misdemeanor and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) for each violation; and such person, agent, company, corporation, elected or appointed public official, or governmental agency shall be liable in civil/penal damages to such discharged person, to be recovered by civil action. This

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Section shall not be construed as prohibiting any person or agent of any company or corporation from furnishing in writing, upon request, to any other person, company or corporation to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

(b) An employer, employee or other person, by threats of injury, intimidation or force, alone or in combination with others, may not prevent a person from entering into, continuing in or leaving the employment of any person, firm, governmental office/agency or corporation. Any person who violates this paragraph is guilty of a misdemeanor and shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) for each violation; and such person, agent, company, corporation, elected or appointed public official, governmental agency shall be liable in civil/penal damages to such discharged person, to be recovered by civil action.

(c) An employer who in good faith provides information requested by a prospective employer about the reason for termination of a former employee or about the job performance, professional conduct or evaluation of a current or former employee is immune from civil liability for the disclosure or the consequences of providing the information. There is a presumption of good faith if either:

(1) The employer employs less than one hundred (100) employees and provides only the information authorized by this Subsection.

(2) The employer employs at least one hundred (100) employees and has a regular practice in Guam of providing information requested by a prospective employer about the reason for termination of a former employee or about the job performance, professional conduct or evaluation of a current or former employee.

(d) The presumption of good faith under Subsection (c) of this Section is rebuttable by showing that the employer disclosed the information with actual malice or with intent to mislead. This Subsection and Subsection (c) of this Section do not alter any privileges that exist under common law. For the purposes of this

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Subsection, “actual malice” means knowledge that the information was false or was provided with reckless disregard of its truth or falsity.

(e) Communications concerning employees or prospective employees that are made by an employer or prospective employer, or by a labor organization, to a government body or agency and that are required by law or that are furnished pursuant to written rules or policies of the government body or agency are privileged.

(f) An employer, including the government of Guam and its agencies, a labor organization or an individual is not civilly liable for privileged communications made pursuant to Subsection (e) of this Section.

(g) In response to a request by another bank, savings and loan association, credit union, escrow agent, commercial mortgage banker, mortgage banker or mortgage broker it is not unlawful for a bank, a savings and loan association, a credit union, an escrow agent, a commercial mortgage banker, a mortgage banker or a mortgage broker to provide a written employment reference that advises of the applicant's involvement in any theft, embezzlement, misappropriation or other defalcation that has been reported to federal authorities pursuant to federal banking guidelines or reported to the department of financial institutions. In order for the immunity provided in Subsection (h) of this Section to apply, a copy of the written employment reference must be sent by the institution providing the reference to the last known address of the applicant in question.

(h) No bank, savings and loan association, credit union, escrow agent, commercial mortgage banker, mortgage banker or mortgage broker shall be civilly liable for providing an employment reference unless the information provided is false and the bank, savings and loan association, credit union, escrow agent, commercial mortgage banker, mortgage banker or mortgage broker providing the false information does so with knowledge and malice.

(i) A court shall award court costs, attorney fees and other related expenses to any party that prevails in any civil proceeding in which a violation of this Section is alleged.

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SOURCE: Added as § 70.44.3 by P.L. 31-257:1 (Dec. 26, 2012).
Renumbered as § 70.450 by the Compiler as part of the reorganization of
Chapter 70.
