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**CHAPTER 2  
PERSONAL RIGHTS**

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**§ 2101. General Personal Rights.**

Every person has, subject to the qualifications and restrictions provided by law, the right of protection from bodily restraint or harm, from personal insult, from defamation, and from injury to his personal relations.

**SOURCE:** CC §43.

**§ 2102. Defamation, What.**

Defamation is effected by:

- (a) Libel;
- (b) Slander.

**SOURCE:** CC §44.

**§ 2103. Libel, What.**

*Libel* is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any

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person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation.

**SOURCE:** CC §45.

**§ 2104. Slander, What.**

*Slander* is a false and unprivileged publication other than libel, which:

(a) Charges any person with crime, or with having been informed against, convicted, or punished for crime;

(b) Imputes in him the present existence of an infectious, contagious, or loathsome disease;

(c) Tends directly to injure him in respect to his office, profession, trade, or business, either by imputing to him general disqualification in those respects which the office or the other occupation peculiarly requires, or by imputing something with reference to his office, profession, trade, or business that has a natural tendency to lessen its profits;

(d) Imputes to him impotence or a want of chastity; or

(e) Which, by natural consequence, causes actual damage.

**SOURCE:** CC §46.

**§ 2105. Privileged Communications.**

A privileged publication is one made:

(a) In the proper discharge of an official duty.

(b) In any (1) legislative or (2) judicial proceedings, or (3) in any other official proceeding authorized by law: Provided, that an allegation or averment contained in any pleading or affidavit filed in an action for divorce or an action prosecuted under §8402 of this Title made of or concerning a person by or against whom no affirmative relief is prayed in such action, shall not be a privileged publication as to the person making such allegation or averment within the meaning of this section unless such pleading be verified or affidavit sworn to, and be made without malice, by one having reasonable and probable cause for believing the truth of such allegation or averment and unless such allegation or averment be material and relevant to the issues in such action.

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(c) In a communication, without malice, to a person interested therein, (1) by one who is also interested, or (2) by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or (3) by one who is requested by the person interested to give the information.

(d) By a fair and true report, without malice, in a public journal, of (1) judicial, (2) legislative, or (3) other public official proceeding, or (4) of anything said in the course thereof, or (5) of a verified charge or complaint made by any person to a public official, upon which complaint a warrant shall have been issued.

(e) By a fair and true report, without malice, (1) of the proceedings of a public meeting, if such meeting was lawfully convened for a lawful purpose and open to the public, or (2) the publication of the matter complained of was for the public benefit.

**SOURCE:** CC §47.

**§ 2106. Malice Not Inferred.**

In the cases provided for in Subdivisions (c), (d), and (e) of the preceding Section, malice is not inferred from the communication or publication.

**SOURCE:** CC §48.

**§ 2107. Personal Relations.**

The rights of personal relations forbid:

(a) The abduction of a husband from his wife, or of a parent from his child.

(b) The abduction or enticement of a wife from her husband, or a child from a parent, or from a guardian entitled to its custody.

(c) The seduction of a wife, daughter, orphan sister, or servant.

(d) Any injury to a servant which affects his ability to serve his master.

**SOURCE:** CC §49.

**§ 2108. Right to Use Force.**

Any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a wife, husband, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest.

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**SOURCE:** CC §50.

**§ 2109. Personal Rights.**

Any person within the jurisdiction of this territory who conducts himself in a proper and lawful manner is entitled to the full and equal accommodations, advantages, facilities and privileges of inns, restaurants, hotels, eating houses, places where alcoholic beverages, ice cream or soft drinks of any kind are sold for consumption on the premises, barber shops, bath houses, theaters, public conveyances and all other places of a public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens, residents and other persons.

**SOURCE:** CC §51.

**§ 2110. Same: Violation.**

Whoever denies to any person except for reasons applicable alike to every race or religion, the full accommodations, advantages, facilities, and privileges enumerated in § 2109 of this Title, or who aids or incites such denial, or whoever makes any discrimination, distinction, or restriction on account of race or religion, or except for good cause, applicable alike to persons of every race or religion whatsoever, in respect to the admission of any person to, or his treatment in, any inn, hotel, restaurant, eating house, place where alcoholic beverages, ice cream or soft drinks of any kind are sold for consumption on the premises, barber shop, bath house, theater, public conveyances, or other public place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, for each and every such offense is liable in damages in an amount not less than One Hundred Dollars (\$100.00) which may be recovered in an action at law brought for that purpose.

**SOURCE:** CC §52.

**§ 2111. Amusements, Admittance.**

It is unlawful for any corporation, person or association, or the proprietor, lessee, or the agents of either, of any opera house, theater, melodeon, museum, circus, caravan, racecourse, fair or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one (21) years, who presents a ticket of admission acquired by purchase, or who tenders the price thereof for such ticket, and who demands admission to such place. Any person under the influence of liquor,

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or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

**SOURCE:** CC §53.

**§ 2112. Amusements, Denial Admittance.**

Any person who is refused admission to any place of amusement contrary to the provisions of the last preceding Section, is entitled to recover from the proprietor, lessee, or their agents, or from any such person, corporation, or association, or the directors thereof, his actual damages, and One Hundred Dollars (\$100.00) in addition thereto.

**SOURCE:** CC §54.

**§ 2113. Penalty.**

Any person who violates §§ 2110 or 2111 of this Chapter shall be guilty of a petty misdemeanor and any type of business license held by him authorizing the operation of the premises with respect to which the violation of §§ 2110 or 2111 has occurred, shall be subject to suspension by the court for not more than thirty (30) days.

**SOURCE:** CC §54.1 as amended by P.L. 13-187:1.

**§ 2114. Blind Persons; Public Use of Facilities.**

Blind persons, visually handicapped persons, and other physically disabled persons shall have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

**SOURCE:** CC §54.2 enacted by P.L. 11-96.

**§ 2115. Same: Rights.**

(a) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, motor buses, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or Federal regulation, and applicable alike to all persons.

(b) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members

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of the general public, to all housing accommodations offered for rent, lease, or compensation, in Guam, subject to the conditions and limitations established by law, or Federal regulations, and applicable alike to all persons.

*Housing accommodations* means any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within Subdivision (a) or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

Nothing in this Section shall require any person renting, leasing or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind person, visually handicapped person, or other physically disabled person than for a person who is not physically disabled.

Nothing in this Chapter shall require any person renting, leasing, or providing for compensation real property, if such person refuses to accept tenants who have dogs, to accept as a tenant a blind person, visually handicapped person, or other physically disabled person who has a dog, including a guide dog.

**SOURCE:** CC §54.3 enacted by P.L. 11-96.

**§ 2116. Same: Guide Dog.**

Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places specified in § 2115 without being required to pay extra charge for the guide dog; provided he shall be liable for any damage done to the premises or facilities by such dog.

**SOURCE:** CC §54.4 enacted by P.L. 11-96.

**§ 2117. Same: Penalty for Interference With Blind.**

Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities as specified in §§ 2114 and 2115 or otherwise interferes with the rights of a totally or partially blind person or other disabled person under §§ 2114, 2115 and 2116 shall be guilty of a misdemeanor.

**SOURCE:** CC §54.5 enacted by P.L. 11-96.

**§ 2118. Same: Negligence.**

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A totally or partially blind pedestrian shall have all of the rights and privileges conferred by law upon other person in any of the places, accommodations or conveyances specified in §§ 2114 and 2115 notwithstanding the fact that such person is not carrying a predominantly white cane (with or without a red tip), or using a guide dog. The failure of a totally or partially blind person to carry such a cane or to use such a guide dog shall not constitute negligence per se.

**SOURCE:** CC §54.6 enacted by P.L. 11-96.

**§ 2119. Same: Definition.**

As used in this chapter, *blind*, *totally blind*, *visually handicapped*, and *partially blind* mean having central visual acuity not to exceed 20/200 in the better eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

**SOURCE:** CC §54.8 enacted by P.L. 11-96.

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