

CHAPTER 95
BENTLEY'S LAW

SOURCE: Entire Chapter added by P.L. 38-040:1 (Aug. 18, 2025).

§ 95101. Short Title.

§ 95102. Definitions.

§ 95103. Vehicular Homicide While Driving Impaired: Restitution.

§ 95101. Short Title.

This Act shall be known as “Bentley’s Law.”

§ 95102. Definitions.

As used in this Chapter:

(a) “Child/Children” means the biological child, step-child, or foster child of whom a surviving parent, guardian, or Child Protective Services as defined in § 13101(g), Chapter 13, Title 19, Guam Code Annotated, under this Act, has legal custody.

§ 95103. Vehicular Homicide While Driving Impaired: Restitution.

(a) Any person who is convicted of vehicular homicide while driving impaired, as defined in § 92111(a), Chapter 92 of Title 9 Guam Code Annotated, shall be required to pay restitution in the form of monetary support for the victim’s surviving minor children, if any, until each child reaches the age of eighteen, or until the age of twenty-three for any child who enrolls full-time in a college, university, vocational school, or trade school, in an amount to be determined by the court and to be paid to the person responsible for raising the children. The court shall determine an amount for restitution under this Chapter that is reasonable and necessary to support the child, considering all relevant factors including:

(1) The financial needs and resources of the child.

(2) The financial needs and the resources of the surviving parent or guardian, including Child Protective Services if they have assumed foster custody of the child.

(3) The physical and emotional well-being of the child and the child’s educational needs.

(4) The child’s physical and legal custody arrangements; and

(5) The reasonable work-related childcare expenses of the surviving parent or guardian, if applicable.

(b) Arrangements for Payment if Incarcerated. If a defendant ordered to pay restitution under this article is unable to make the required restitution payments because the defendant is confined or imprisoned in a correctional facility, the defendant shall begin payments no later than the first anniversary of the date of the defendant’s release from the facility.

(1) A restitution order issued under this article may be enforced by the court, or by a surviving parent or guardian of the person named in order to receive the restitution in the same manner as a judgement in a civil action.

(2) The defendant ordered to pay restitution under this Chapter shall enter into a payment plan to address any unpaid obligations. If a defendant’s restitution payments are set to terminate but the obligation is not paid in full, the restitution payments shall continue until the entire obligation is paid.

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(3) If the surviving parent or guardian of the child brings a civil action against the defendant prior to the court ordering restitution payments and the surviving parent or guardian obtains a judgment in the civil suit in which compensatory damages are awarded, no restitution shall be ordered under this Chapter.

(4) If the court orders the defendant to make restitution payments under this Chapter and the surviving parent or guardian subsequently brings a civil action against the defendant and obtains a judgment, the restitution payments shall be offset by the amount of the judgment awarded in the civil action.
