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CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION NOTICE OF ERRATA AND REVISIONS TO THE CLRC INTERIM REPORT OF JUNE 13, 2025:

INTRODUCTION

Pursuant to Public Law 36-119¹, the Guam Criminal Law and Procedure Review Commission (“CLRC”) submitted to I Liheslaturan Guåhan, on June 13, 2025, an Interim Report setting forth its findings and recommendations for amendments to selected chapters of Title 9 of the Guam Code Annotated. The Interim Report identified recommended statutory changes in blackline (markup) format and included CLRC commentary explaining the proposed amendments or noting where no changes were recommended.

Following submission of the Interim Report, I Liheslaturan Guåhan enacted legislation amending certain Title 9 sections addressed in the Interim Report. In addition, the CLRC identified clerical, typographical, and formatting errors within the Interim Report that require correction. This Notice of Errata and Revisions is submitted to correct those errors and to revise the Interim Report recommendations as necessary to account for intervening legislative amendments enacted after June 13, 2025.

¹ Establishing the CLRC and directing it to conduct a comprehensive and systematic review of Guam’s criminal laws.

SECTIONS AFFECTED

The table below summarizes sections that are covered in this report and their errata.

SECTION	ERRATA
§ 1.18. Classes of Crimes.	Correction made by Compiler of Laws
§ 1.19. Felonies Defined and Classified.	Correction made by Compiler of Laws
§ 1.20. Relationship of Code to Other Laws; Contempts, Penalties and Remedies.	Correction made by Compiler of Laws
§ 16.50. Manslaughter Defined and Classified.	Clerical
§ 19.82. Interfering with the Reporting of Criminal Sexual Conduct; Defined and Punished.	New section subsequently added by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 25.10. Definitions.	New subsections subsequently added by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.15. First Degree Criminal Sexual Conduct.	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.20. Second Degree Criminal Sexual Conduct.	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.25. Third Degree Criminal Sexual Conduct.	Subsequent amendment by the Legislature in P.L. 38-083 (Dec. 20, 2025)
§ 25.50. Interfering with the Reporting of Criminal Sexual Conduct.	New section subsequently added by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 31.30. Child Abuse; Defined & Punished.	Clerical
§ 34.50. Criminal Mischief; Defined.	Clerical
§ 34.60. Criminal Mischief; Punished.	Clerical
§ 34.70. Graffiti Prohibited.	Subsequent amendment by the Legislature in P.L. 38-078 (Dec. 16, 2025)
§ 70.65. Defenses; Exceptions.	Clerical

ERRATA AND REVISIONS

Errata and recommended revisions are as indicated below within the quoted text.

1. § 1.18. Classes of Crimes.

ERRATA. Reference to “territory” already removed by the Compiler of Laws for consistency with 1 GCA § 420.

REVISION. Replace with current version and revise the CLRC Comment to “No change” as follows:

“§ 1.18. Classes of Crimes.

(a) An offense defined by this Code or by any other statute of Guam, for which a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as felonies, misdemeanors or petty misdemeanors.

(b) A crime is a felony if it is so designated in this Code or if persons convicted thereof may be sentenced to imprisonment for a term which, apart from an extended term, is in excess of one year.

(c) A crime is a misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto.

(d) Any offense declared by law to constitute a crime, without specification of the grade thereof or of the sentence authorized upon conviction, is a misdemeanor.

(e) A crime is a petty misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto or if it is defined by a statute other than this Code which now provides that person convicted thereof may be sentenced to imprisonment for a maximum term of less than one year.

(f) An offense defined by this Code or by any other statute of Guam constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction. A violation does not constitute a crime and conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

(g) An offense defined by any statute of Guam other than this Code shall be classified as provided in this Section and the sentence that may be imposed upon conviction thereof shall hereafter be governed by this Code.

CLRC COMMENT: No change. Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026.”

§ 1.19. Felonies Defined and Classified.

ERRATA. Reference to “territory” already removed by the Compiler of Laws for consistency with 1 GCA § 420.

REVISION. Replace with current version and revise the CLRC Comment to “No change” as follows:

“§ 1.19. Felonies Defined and Classified.

(a) Felonies defined by this Code are classified, for the purpose of sentence, into three degrees, as follows:

- (1) felonies of the first degree;
- (2) felonies of the second degree;
- (3) felonies of the third degree.

Any crime declared to be a felony, without specification of degree, is of the third degree.

(b) Notwithstanding any other provision of law, a felony defined by any statute of Guam other than this Code shall constitute for the purpose of sentence a felony of the third degree.

CLRC COMMENT: No change. Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to reflect Compiler of Law revisions.”

§ 1.20. Relationship of Code to Other Laws; Contempts, Penalties and Remedies.

ERRATA. Reference to “territory” already removed by the Compiler of Laws for consistency with 1 GCA § 420.

REVISION. Replace with current version and revise the CLRC Comment to “No change” as follows:

“§ 1.20. Relationship of Code to Other Laws; Contempts, Penalties and Remedies.

(a) No conduct constitutes an offense unless it is a crime or violation under this Code or other statute of Guam.

(b) The provisions of this Code shall apply to offenses defined by other statutes, unless otherwise expressly provided or unless the context otherwise requires.

(c) Nothing in this Code shall affect the power of a court to punish contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

(d) Nothing in this Code shall bar or suspend any liability for damages, penalty, forfeiture, or other remedy otherwise authorized by law to be recovered or enforced in any civil action or proceeding, for any conduct punishable by this Code.

CLRC COMMENT: No change. Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to reflect Compiler of Law revisions.”

2. § 16.50. Manslaughter Defined and Classified.

ERRATA. Interim Report clerical errors in this section.

RECOMMENDATION. Replace with corrected section as follows:

“§ 16.50. Manslaughter Defined and Classified.

(a) Criminal homicide constitutes manslaughter when:

(1) it is committed recklessly; or

(2) a homicide which would otherwise be murder is committed under the influence of extreme mental or

emotional disturbance for which there is reasonable explanation or excuse. (The reasonableness of such explanation or excuse shall be determined from the viewpoint of a reasonable person in the defendant's situation under the circumstances as he believes them to be. The defendant must prove the reasonableness of such explanation or excuse by a preponderance of the evidence.); or

(3) death is indirectly or proximately caused, such as an accident, by the illegal use of a Schedule I or Schedule II Controlled Substance, as defined by Chapter 67 of this Title, to a person under the influence of such controlled substance; or ~~Any person who knowingly or willingly transfers or sells any Schedule I Controlled Substance to a person over the age of eighteen (18) years old in violation of the provisions of Chapter 67 of this Title, and such controlled substance indirectly or proximately causes the death of such person, is guilty of manslaughter. This Section shall not apply to health care professionals and pharmacists in the legitimate practice of the healing arts.~~

(4) death of a person who is eighteen (18) years or older results from a knowing or willing transfer or sale of a Schedule I or Schedule II controlled substance, where such controlled substance proximately causes the death of such person.

(b) Manslaughter is a felony of the first degree.

CLRC COMMENT: Parentheses in (a)(2) removed for clarity. Schedule II controlled substances added in (a)(3) to include crystal methamphetamine. Other recommended amendments are intended to correct loopholes for persons exactly 18 years old and for healthcare professionals. Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to correct clerical errors.”

3. § 19.82. Interfering with the Reporting of Criminal Sexual Conduct; Defined and Punished.

ERRATA. This is a new section added by P.L.38-70:2 on October 17, 2025 *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Add this new section to the Interim Report with non-substantive spelling and punctuation corrections recommended as follows:

“§ 19.82. Interfering with the Reporting of Criminal Sexual Conduct; Defined and Punished.

(a) Any person commits the crime of interfering with the reporting of criminal sexual conduct if the person:

(1) commits an act of criminal sexual conduct or assists in or ~~abets~~ abets any act of criminal sexual conduct, as enumerated in Chapter 25 of this Title; and

(2) intentionally, knowingly, or recklessly prevents or attempts, either directly or through other persons, to prevent the victim of or a witness to that act of criminal sexual conduct from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement officer or other official.

(b) Commission of, or assisting in or ~~abetting~~ abetting, a crime of criminal sexual conduct under Chapter 25 of this title is a necessary element of the crime of interfering with the reporting of criminal sexual conduct.

(c) Interference with the reporting of crimes of criminal sexual conduct is a felony of the third degree.

CLRC COMMENT: New section added by P.L. 38-070 (Oct. 17, 2025) after the CLRC Interim Report was sent to the Legislature on June 13, 2025. Because it is a new section, and in deference to the Legislature, the CLRC has not substantively reviewed it. However, non-substantive spelling and punctuation corrections were made. This section added to the Interim Report by the Notice of Errata and Revisions approved by the CLRC on January 29, 2026.”

4. § 25.10. Definitions.

ERRATA. The Interim Report added new definitions to subsection (a). This section was amended by P.L. 38-016 on June 17, 2025 *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Revise § 25.10(a) as amended by P.L. 38-016—to reflect CLRC proposed Interim Report changes. Subsection (a)(12) amended, and (a)(16) and punctuation corrections added as follows:

“§ 25.10. Definitions.

(a) As used in this Chapter:

(1) “Actor” means a person accused of criminal sexual conduct;

(2) “Consent” means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the victim or that the victim failed to resist a particular sexual act.

(A) A person who is mentally incapacitated or physically helpless as defined by this Chapter cannot consent to a sexual act.

(B) Corroboration of the victim’s testimony is not required to show lack of consent.

(3) “Force” or “Coercion” includes, but is not limited to, any of the following circumstances:

(A) when the actor overcomes the victim through the actual application of physical force or physical violence;

(B) when the actor coerces the victim to submit by threatening to use force or violence on the victim and the victim believes that the actor has the present ability to execute these threats;

(C) when the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim believes that the actor has the ability to execute this threat. As used in this Subsection, to retaliate includes threats of physical punishment, kidnapping, or extortion;

(D) when the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable; or

(E) when the actor, through concealment or by the element of surprise, is able to overcome the victim.

(4) “Intimate Parts” includes the primary genital area, groin, inner thigh, buttock, or breast of a human being;

(5) “Mentally Impaired” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his or her conduct;

(6) “Mentally Incapacitated” means

(A) that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent; or

(B) that a person is voluntarily under the influence of any substance or substances to a degree that renders them incapable of consenting or incapable of appreciating, understanding, or controlling the person’s conduct.

(7) “Physically Helpless” means that a person is

(A) unconscious;

(B) asleep;

(C) unable to withhold consent or to withdraw consent because of a physical condition; or

(D) for any other reason, is physically unable to communicate unwillingness to an act;

(8) “Personal Injury” means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(9) “Sexual Contact” includes the intentional touching of the victim's or actor’s intimate parts or the intentional touching of the clothing covering the immediate area of the victim’s or actor’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification;

(10) “Sexual Penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, but emission of semen is not required; ~~and~~

(11) “Victim” means the person alleging to have been subjected to criminal sexual conduct.

(12) “Consanguinity or Relationship by blood” means a relationship between persons arising by descent from a common ancestor or a relationship by birth rather than by marriage. The degree of consanguinity is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.

(13) “Affinity” is the relation existing in consequence of marriage between each of the married persons and the blood relatives of the other. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.

(14) “Dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(A) the length of the relationship;

(B) the nature of the relationship; and

(C) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship.”

(15) Adoption refers to the act where an adult formally becomes the guardian of a child and incurs the rights and obligations of a parent.

(16) “Cunnilingus” is the touching of the urethral opening, vaginal opening, or labia with the actor’s mouth.

CLRC COMMENT: This section was amended by P.L. 38-016 (June 17, 2025) after the CLRC Interim Report was sent to the Legislature on June 13, 2025. Recommended amendments here add clarity to (a)(12), add a new definition (a)(16), and correct punctuation errors. This section in the Interim Report replaced by the Notice of Errata and Revisions approved by the CLRC on January 29, 2026.”

5. **§ 25.15. First Degree Criminal Sexual Conduct.**

ERRATA. The Interim Report made no changes to this section. However, P.L. 38-016:2 amended this section on June 17, 2025 *after* the Interim Report was submitted to the Legislature.

REVISION. Replace with section as amended by P.L. 38-016 as follows:

“§ 25.15. First Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with the victim and if any of the following circumstances exists:

(1) the victim is under fourteen (14) years of age;

(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and any of the following circumstances exists:

(A) the actor is a member of the same household as the victim;

(B) the actor is related to the victim by blood, adoption or affinity to the fourth degree to the victim, or

(C) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;

(D) the actor is a teacher, substitute teacher, intern/student teacher or administrator of the public school, nonpublic school, school district, in which that other person is enrolled;

(E) the actor is an employee or a contractual service provider of the public school, nonpublic school, or school district, in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of the government of Guam or government of the United States assigned to provide any service to that public school, nonpublic school, or school district, and the actor uses his or her employee,

contractual, or volunteer status to gain access to, or to establish a relationship with, that other person;

(F) the actor is an employee, contractual service provider, or volunteer of a child care facility, or a person licensed or lawfully authorized to operate a foster care facility or home or a foster care group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency;

(G) the actor is an employee, contractual service provider, or volunteer of a social services organization, victims' advocacy organization, youth correctional or detention facility, drug treatment facility or medical, psychiatric or psychological treatment facility and the sexual penetration occurs during the period of that other person's residency; or

(H) the actor is in a dating relationship with a member of the victim's household.

(3) sexual penetration occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual penetration.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration; and

(7) the actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is

mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the first degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.15(a) shall be sentenced to a minimum of fifteen (15) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of twenty-five (25) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment

(c) Any person convicted of criminal sexual conduct under § 25.15(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration, as defined in § 25.10 of this Chapter shall be sentenced to a minimum of twenty-five (25) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

CLRC COMMENT: This section was amended by P.L. 38-016 (June 17, 2025) after the CLRC Interim Report was sent to the Legislature on June 13, 2025. No changes were recommended in the Interim Report. This section in the Interim Report was replaced by the Notice of Errata and Revisions approved by the CLRC on January 29, 2026. In deference to the Legislature, the CLRC has not substantively reviewed the new amendments by P.L. 38-016.”

6. § 25.20. Second Degree Criminal Sexual Conduct.

ERRATA: The Interim Report made no changes to this section. However, P.L. 38-016:3 amended this section on June 17, 2025 *after* the Interim Report was submitted to the Legislature.

REVISION. Replace with section as amended by P.L. 38-016 as follows:

“§ 25.20. Second Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:

(1) that other person is under fourteen (14) years of age;

(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and any of the following circumstances exist:

(A) the actor is a member of the same household as the victim;

(B) the actor is related to the victim by blood, adoption or affinity to the fourth degree to the victim;
or

(C) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;

(D) the actor is a teacher, substitute teacher, intern/student teacher or administrator of the public school, nonpublic school, school district, in which that other person is enrolled;

(E) the actor is an employee or a contractual service provider of the public school, nonpublic school, school district, in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of the government of Guam or government of the United States assigned to provide any service to that public school, nonpublic school, school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person;

(F) the actor is an employee, contractual service provider, or volunteer of a child care facility, or a person licensed or lawfully authorized to operate a foster care facility or home or a foster care group

home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency;

(G) the actor is an employee, contractual service provider, or volunteer of a social services organization, victims' advocacy organization, youth correctional or detention facility, drug treatment facility or medical, psychiatric or psychological treatment facility and the sexual penetration occurs during the period of that other person's residency; or

(H) the actor is in a dating relationship with a member of the victim's household.

(3) sexual contact occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual contact.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact; and

(7) the actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the second degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.20(a) shall be sentenced to a minimum of five (5) years to a maximum of fifteen (15) years imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of ten (10)

years to a maximum of twenty (20) years imprisonment if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall parole be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment.

(c) Any person convicted of criminal sexual conduct under § 25.20(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 shall be sentenced to a minimum of fifteen (15) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.”

CLRC COMMENT: This section was amended by P.L. 38-016 (June 17, 2025) after the CLRC Interim Report was sent to the Legislature on June 13, 2025. No changes were recommended in the Interim Report. This section in the Interim Report was replaced by the Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to reflect P.L. 38-016. In deference to the Legislature, the CLRC has not substantively reviewed the new amendments.”

7. **§ 25.25. Third Degree Criminal Sexual Conduct.**

ERRATA: The Interim Report made no changes to this section. However, P.L. 38-083:1 amended this section on December 20, 2025 *after* the Interim Report was submitted to the Legislature.

REVISION. Replace with section, as amended by P.L. 38-083, as follows:

“§ 25.25. Third Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exists:

(1) that other person is at least fourteen (14) years of age and under sixteen (16) years of age;

(2) force or coercion is used to accomplish the sexual penetration; and

(3) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the third degree is a felony of the second degree.

(c) Any person previously convicted of criminal sexual conduct under § 25.25(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 of this Chapter shall be sentenced to ten (10) years imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

CLRC COMMENT: This section was amended by P.L. 38-083 (Dec. 20, 2025) after the CLRC Interim Report was sent to the Legislature on June 13, 2025. No changes were recommended in the Interim Report. This section in the Interim Report was replaced by the Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to reflect P.L. 38-083. In deference to the Legislature, the CLRC has not substantively reviewed the new amendments.”

8. § 25.50. Interfering with the Reporting of Criminal Sexual Conduct.

ERRATA. This is a new section added by P.L.38-070:1 on October 17, 2025 *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Add this new section to the Interim Report with non-substantive spelling and punctuation corrections recommended as follows:

“§ 25.50. Interfering with the Reporting of Criminal Sexual Conduct.

(a) Any person commits the crime of interfering with the reporting of criminal sexual conduct if the person:

(1) commits any act of criminal sexual conduct or assists in or ~~abets~~abets any act of criminal sexual conduct, as enumerated in this Chapter and

(2) intentionally, knowingly, or recklessly prevents or attempts, either directly or through other persons, to prevent the victim of or a witness to that act of criminal ~~sexual~~sexual conduct from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement officer or other official.

(b) Commission of, or assisting in or ~~abetting~~abetting, a crime of criminal sexual conduct under this chapter is a necessary element of the crime of interfering with the reporting of criminal sexual conduct.

(c) Interference with the reporting of crimes of criminal sexual conduct is a felony of the third degree.

CLRC COMMENT: New section added by P.L. 38-070 (Oct. 17, 2025) after the CLRC Interim Report was sent to the Legislature on June 13, 2025. Because it is a new section, and in deference to the Legislature, the CLRC has not substantively reviewed it. However, non-substantive spelling and punctuation corrections were made. This section was added to the Interim Report by the Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to reflect P.L. 38-070.”

9. § 31.30. Child Abuse; Defined & Punished.

ERRATA. Interim Report clerical error in subsection (a) and (d) of this section.

REVISION. Replace section with corrected subsection (a) and (d) as follows:

“§ 31.30. Child Abuse; Defined & Punished.

(a) A person is guilty of child abuse when:

(1) he subjects a child to cruel mistreatment; or

(2) inflicts upon a child unjustifiable physical pain or mental suffering; or

~~(2)~~(3) having a child in his care or custody or under

his control, he:

(A) deserts that child with intent to abandon him; or

~~(B) subjects that child to cruel mistreatment;~~
or

~~(C)~~(B) unreasonably causes or permits the physical or, emotional health of that child to be endangered or unreasonably causes or permits that child to be placed in a situation where his or her person or health may be endangered; or

(C) neglects that child.

(b) Child abuse is a felony of the third degree when it is committed under circumstances likely to result in death or serious bodily injury. Otherwise, it is a misdemeanor.

(c) Voluntary surrender of physical custody of a newborn infant by a mother to authorized Safe Haven personnel pursuant to the provisions of the Newborn Infant Safe Haven Act, 19 GCA, Chapter 13, Article 5, is an absolute defense to prosecution for child abuse as a result of deserting that child with intent to abandon that child under Subsection (a)(2)(A) of this Section.

(d) As used in this Section, neglect of a child shall consist of any of the following acts by anyone having the custody or control of the child:

(1) intentionally failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home; or

(2) failure to do or permit to be done any act necessary for the child's physical or moral well-being.

CLRC COMMENT: Amendments to subsection (a) are for clarification, to remove redundant language and to clearly establish neglect as abuse. New subsection (d) defines neglect. Reference Cal. Penal Code § 11165.3 (The willful harming or injuring of a child or the endangering of the person or health of a child) and N.J.S.A 9:6-1 (Abuse, abandonment, cruelty and neglect of child; what constitutes). Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to correct clerical errors.”

10. **§ 34.50. Criminal Mischief; Defined.**

ERRATA. Interim Report clerical error in subsection (c) of this section.

REVISION. Replace with corrected section as follows:

“§ 34.50. Criminal Mischief; Defined.

A person commits *criminal mischief* if:

~~(a) under circumstances not amounting to arson he damages or destroys property with the intention of defrauding an insurer; or~~

~~(b) he intentionally tampers with the property of another or forest land and thereby:~~

~~(1) recklessly endangers human life; or~~

~~(2) recklessly causes or threatens a substantial interruption or impairment of any public utility service; or~~

~~(c) he intentionally damages the property of another or forest land; or~~

~~(d) he intentionally damages the motor vehicle of another.~~

CLRC COMMENT: Amendments for consistency with amendments to § 34.60. Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to correct clerical errors.”

11. **§ 34.60. Criminal Mischief; Punished.**

ERRATA. Interim Report clerical errors in this section.

REVISION. Replace with corrected section as follows:

“§ 34.60. Criminal Mischief; Punished.

~~(a) A violation of subsections (b) or (d) of § 34.50 is a third degree felony.~~

~~(b) A violation of subsection (a) of § 34.50 is a second degree felony if the defendant’s conduct results in pecuniary loss of Five Thousand Dollars (\$5,000.00) or more, a third degree felony if the defendant's conduct causes or is intended to cause results in pecuniary loss of Two Thousand Five Hundred Dollars (\$2,500.00) or more, but less than Five Thousand Dollars (\$5,000.00) in excess of Five Hundred Dollars (\$500.00), a misdemeanor if the defendant's conduct causes or is intended to cause results in pecuniary loss of Five Hundred Dollars (\$500) or more but less than Two Thousand Five Hundred Dollars (\$500.00) in excess of Fifty Dollars (\$50.00), and a petty misdemeanor if the defendant's conduct causes or is intended to cause results in pecuniary loss of~~

~~less than Five Hundred Dollars (\$500.00). in excess of Twenty-four Dollars (\$24.00). Otherwise, criminal mischief is a violation.~~

~~(c) Any adult convicted under subsection (c) of § 34.50, Title 9, Guam Code Annotated, is guilty of a misdemeanor punishable by imprisonment for not less than a mandatory forty-eight (48) hours nor more than one year and a fine of two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1000.00) for each subsequent offense.~~

(b) In the case of a minor, the parents or the legal guardian shall be jointly and severally liable with the minor for the payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property to include the fine and court costs. Upon an application and finding of indigence, the court may decline to order fines against the minor or parents.

In addition to any punishment listed in subsection (ea), the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense in the amount or manner determined by the court. Furthermore, the person or if a minor, his or her parents, shall repaint or refurbish the property so damaged, destroyed, removed, or defaced at such person's expense, under the supervision of the affected property owner or a court representative. The person shall also perform a minimum of one hundred eighty (180) hours but not to exceed three hundred sixty (360) hours of community service. Parents or legal guardians of any minor found to have violated this subsection shall also be responsible for providing supervision as well as paying for the fine if the minor is unable to do so.

(dc) The court may order that any person punished under § 34.60(c) or § 34.70, Title 9, Guam Code Annotated this section, who is to be punished by imprisonment, shall be confined on days other than days of regular employment of the person, or on days other than school days if the defendant is a minor, as determined by the court.

CLRC COMMENT: Subsection (a) removed to clarify that punishment is based on grading values. Subsection (b) grading values of offenses increased after review of other jurisdictions' grading values for criminal mischief; and classification of "violation" as an offense removed. Subsection (c) language regarding mandatory minimums removed for uniformity with 9 GCA Chapter 80 (Disposition of Offenders). Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to correct clerical errors."

12. **§ 34.70. Graffiti Prohibited.**

ERRATA. This section was amended by P.L. 38-078 on December 16, 2025, *after* the Interim Report was submitted to the Legislature.

REVISIONS. Withdraw recommendations to the section in the Interim Report that conflict with amendments made by P.L. 38-078. Replace with updated section as follows:

“§ 34.70. Graffiti Prohibited.

(a) Definitions. For the purpose of this section, the following terms apply:

(1) Broad-tipped indelible marker means any felt tip marker, or similar implement, which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half inch or greater.

(2) Bona fide evidence of majority means a document issued by a federal, state, county or municipal government or agency thereof, including but not limited to, a motor vehicle operator's license, or registration certificate issued under the Federal Selective Service Act, a passport, or an identification card issued to a member of the armed forces which identifies an individual and provides proof of the age of such individual.

(3) Owner means any and all persons with legal and/or equitable title to real property in Guam as their names and addresses are shown upon the records of the Department of Revenue of Taxation or the Department of Land Management.

(4) Supervising Adult means an individual eighteen (18) years of age or older who has been given responsibility by the minor's parents, legal guardian, or other lawful authority to supervise the minor.

(5) Used or intended to be used includes usage in the course of a violation or usage to transport a violator to or from the scene of a violation.

(b) No person shall write, paint or draw any inscription, figure, or mark of any type on any public or private building or structure or other real or personal property owned, operated or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm or corporation unless the express prior written permission of the owner, owner's agent, manager or operator of the property has been obtained.

(c) Possession of spray paint and markers with intent to make graffiti is prohibited. No person shall carry an aerosol spray paint

can or broad-tipped indelible marker with the intent to violate the provisions of this section.

(d) Possession of spray paint or broad-tipped indelible markers by minors on public property is prohibited. No person under the age of eighteen (18) shall have in his or her possession any aerosol container or spray paint can or broad-tipped indelible marker while on public property, highway, street, alley, or way except in the company of a supervising adult.

(e) Possession of spray paint or broad-tipped indelible markers by minors on private property is prohibited without consent of the owner. No person under the age of eighteen (18) shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any private property unless the owner, agent or manager, or person in possession of the property knows of the minor's possession of the aerosol container or marker and has consented to the minor's possession of the aerosol container or marker while on his or her property.

(f) Any person violating subsections (b), (c), (d), or (e) shall be punished by a fine of two thousand dollars (\$2,000.00) for the first offense, and four thousand dollars (\$4,000.00) for each subsequent offense or by imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment at the discretion of the court. In the case of a minor, the parents or legal guardian shall be responsible for payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of lien on the parents or legal guardian's property to include the fine and court costs.

(g) In addition to any punishment ordered under subsection (f), the court shall order any person found in violation of subsections (b), (c), (d) or (e) to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in a reasonable amount or manner to be determined by the court. Where the defendant is a minor, the parents or legal guardian shall be jointly and severally liable with the minor to make such restitution.

(h) In addition to any punishment listed in subsections (f) and restitution ordered under subsection

(g) the court shall order any person found in violation of subsection (b), (c), (d) or (e) to perform monitored community service in the removal of graffiti of not less than two hundred fifty (250) hours and not more than five hundred (500) hours.

(i) In addition to any punishment listed in subsections (f), (g), and (h), any adult convicted for violating subsections (b), (c), (d), or

(e) is guilty of a misdemeanor punishable by imprisonment for not less than a mandatory one hundred twenty (120) days.

(j) All personal property, including, but not limited to, automobiles and bicycles, used or intended to be used in violating subsections (b), (c), (d) or (e) shall be forfeitable to Guam. In any forfeiture under this section, the Court shall not order a forfeiture unless it finds that the forfeiture is commensurate with the severity of the violation to the extent required by the laws of Guam, the Organic Act, and the U.S. Constitution.

(k) No person or firm shall sell or cause to be sold to any person under the age of eighteen (18) years, and no person under the age of eighteen years (18) shall buy any aerosol container of spray paint or broad-tipped indelible markers. Evidence that a person, his or her employee, or agent demanded and was shown bona fide evidence of majority and acted upon such evidence in a transaction or sale shall be a defense to any prosecution thereof.

(l) Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol containers of spray paint or broad-tipped indelible markers *shall*:

(1) Place a sign in clear public view at or near the display of such products stating:

‘GRAFFITI IS A CRIME. ANY PERSON DEFACTING REAL OR PERSONAL PROPERTY NOT HIS OR HER OWN WITH PAINT OR ANY OTHER LIQUID OR DEVICE IS GUILTY OF A CRIME PUNISHABLE BY IMPRISONMENT OF UP TO ONE HUNDRED EIGHTY (180) DAYS AND/OR A FINE UP TO FOUR THOUSAND DOLLARS (\$4,000.00).’

(2) Place a sign in the direct view of such persons responsible for accepting customer payment for aerosol containers of spray paint or broad-tipped indelible markers which states:

“IT IS A VIOLATION OF THE LAW TO SELL AEROSOL CONTAINERS OF SPRAY PAINT OR BROAD-TIPPED INDELIBLE MARKERS TO PERSONS UNDER 18 YEARS OF AGE PUNISHABLE BY A CIVIL FINE OF TWO HUNDRED FIFTY DOLLARS (\$250.00).”

(m) Violation of subsection (l) shall result in a civil penalty of two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for subsequent offenses. When three (3) violations of subsection (l) occur within any calendar year at a commercial establishment, that establishment shall be subject to an injunction from a court of competent jurisdiction forbidding the sale

of aerosol containers of spray paints and broad-tipped indelible markers for a period up to two (2) years. Violation of such injunction shall be punished by a fine of two hundred fifty hundred dollars (\$250.00) per day of violation in addition to any other penalties levied by the Court. Failure to make payment of fines will be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paints and broad-tipped indelible markers until payment of the fine, attorney's fees and costs.

(n) In addition to any punishment ordered under Subsection (f), (g), (h), (i) and (j), the court shall immediately, upon conviction of an offender charged with the defacement of property, revoke the license or instruction permit of any driver in violation of this Section subject to a period of time described hereafter:

(1) after one (1) conviction, six (6) months;

(2) after a second or subsequent conviction, one (1) year for each conviction.

Any person who was convicted of any offense as described in this Act upon being eligible to receive a license or instruction permit, shall not be eligible to receive a license or instruction permit until the entire penalty period has elapsed.

Any prior convictions resulting in the revocation of a driver's license or instruction permit shall not run concurrently with any existing or subsequent suspension, revocation, cancellation or denial which is provided for by law."

CLRC COMMENT: This section was amended by P.L. 38-078 (Dec. 16, 2025) after the CLRC Interim Report was sent to the Legislature on June 13, 2025. Except for adding Department of Land Management to (a)(3), all other changes recommended in the Interim Report are withdrawn in deference to the Legislative amendments in P.L. 38-078. This section in the Interim Report was replaced by the Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to reflect amendments by P.L. 38-078."

13. § 70.65. Defenses; Exceptions.

ERRATA. Interim Report clerical errors in amendment to subsection (g) of this section.

REVISION. Replace with corrected section as follows:

“§ 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 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;~~

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

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

(A) Subsection (g)(87) of this Section shall not pertain to cats or dogs, except as authorized by the Director of the Department of Agriculture, and such disinfection efforts are done in accordance with accepted practices of veterinary medicine and procedures approved by the Council.

CLRC COMMENT: Subsection (g)(2) removed to address the federal ban on cockfighting. Subsection (g)(3) amended to respect the cultures that consume these animals. No other subsections amended. Section revised in Notice of Errata and Revisions approved by the CLRC on January 29, 2026 to correct clerical errors.”

CONCLUSION

This Notice of Errata and Revisions revises the Interim Report to correct clerical errors and reflect legislative amendments to Title 9 of the Guam Code Annotated enacted after the Interim Report’s submission to I Liheslaturan Guåhan on June 13, 2025. The revisions are non-substantive unless otherwise noted and are intended to ensure accuracy, consistency, and conformity with current law. The sections identified herein are intended to replace the corresponding sections of the Interim Report and to supersede any inconsistent provisions in Bill No. 232-38 or related measures adopting the Interim Report’s recommendations.