

I MINA' TRENTAI UNO NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 33-31 (COR)

Introduced by:

B.J.F. Cruz



2011 JAN 18 PM 2:06



**AN ACT TO REPEAL THE STATUTE OF LIMITATION
FOR THE PROSECUTION OF A SEX CRIME
INVOLVING A VICTIM WHO IS UNDER THE AGE OF
THE MAJORITY BY ADDING A NEW § 10.16 TO
CHAPTER 10 OF TITLE 8, GUAM CODE ANNOTATED**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that child sexual abuse survivors often are disabled from revealing
4 abuse at the time they suffer it and for many years thereafter. Furthermore,
5 the expiration of applicable statutes of limitation has the effect of barring
6 both civil claims and criminal prosecution of the perpetrators.

7 *I Liheslaturan Guåhan* finds that several state legislatures in the
8 country have already passed or are attempting to enact legislation to open a
9 window for civil claims against such perpetrators. However, as long as the
10 applicable statutes of limitation for criminal prosecution remain in place,
11 there will be a perpetual need to introduce such window legislation in the
12 future.

13 *I Liheslaturan Guåhan* intends to address this by abolishing the statute
14 of limitations for the criminal prosecution of perpetrators for sex crimes
15 against children altogether, thereby serving to protect children from sex

1 crimes and the kind of suffering already being endured by victims who are
2 denied justice and relief under the current legal system.

3 **Section 2.** A new § 10.16 is hereby *added* to Chapter 10 of Title 8,
4 Guam Code Annotated to read:

5 **"§ 10.16 No limitation on Sex Crimes committed against victims**
6 **under the age of the majority.** If the offense is a violation of Chapter
7 25 of Title 9 GCA and the victim was under the age of the majority at
8 the time the offense was committed, a prosecution of the offense may
9 be commenced at any time. This section applies to any such offense
10 *except* an offense the prosecution of which would have been *barred*
11 by § 10.15 of this Chapter on or before enactment of this Act."

12 **Section 3. Effective Date.** This Act shall be effective upon enactment
13 into law.