

9 GCA CRIMES AND CORRECTIONS  
CH. 17 UNBORN VICTIMS OF VIOLENCE ACT

**CHAPTER 17**  
**UNBORN VICTIMS OF VIOLENCE ACT**

**SOURCE:** Entire chapter added by P.L. 33-132 (Mar. 4, 2016) as 9 GCA Chapter 20. Codified to this chapter, and renumbered to adhere to the Compiler’s general codification and alpha-numeric schemes pursuant to 1 GCA § 1606.

- § 17.01. Title.
- § 17.02. Legislative Statement and Intent.
- § 17.03. Definitions.
- § 17.04. Application.
- § 17.05. Murder of an Unborn Child.
- § 17.06. Manslaughter of an Unborn Child.
- § 17.07. Aggravated Assault of an Unborn Child.
- § 17.08. Assault of an Unborn Child.
- § 17.09. Knowledge Not a Defense.
- § 17.10. No Prohibition.

**§ 17.01. Title.**

This Act may be cited or referred to as “The Unborn Victims of Violence Act of 2016.”

**§ 17.02. Legislative Statement and Intent.**

(a) *ILiheslaturan Guåhan* understands that the physical harm or death of an expectant woman could equally result in the physical harm and death to the unborn child in her womb. For the woman who desires to carry and care for her unborn child to term, the protection and safety of the living being in her womb is something she should not have to worry about. To this statement, former President George W. Bush once expressed, “Any time an expectant mother is a victim of violence, two lives are in the balance, each deserving protection, and each deserving justice.”

(b) *ILiheslaturan Guåhan* finds that “The Unborn Victims of Violence Act of 2016” (Act) is a step toward protecting an expectant mother and her unborn child, and recognizes that an unborn child is a legal victim if he or she is injured or killed during the commission of crimes of violence.

(c) *ILiheslaturan Guåhan* believes and further recognizes that while an expectant mother has a legal right to determine the fate of her unborn child,

**9 GCA CRIMES AND CORRECTIONS**  
**CH. 17 UNBORN VICTIMS OF VIOLENCE ACT**

she should also be assured that any harm to her unborn child caused from unwarranted and unexpected harm directed at her will result in additional criminal sanctions against the responsible person(s).

**§ 17.03. Definitions.**

For the purposes of this Chapter, the following terms are defined to mean:

(a) person shall not include the pregnant woman whose unborn child is harmed;

(b) unborn child shall mean a child in utero, and the term “child in utero” or “child, who is in utero” means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

**§ 17.04. Application.**

(a) This Chapter shall not apply to acts that cause bodily harm to an unborn child if those acts were committed during any legal abortion, in accordance with Guam law.

(b) This Chapter shall not apply to acts that were committed under usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

**§ 17.05. Murder of an Unborn Child.**

(a) A person commits the offense of murder of an unborn child if, in performing acts which cause the death of an unborn child without lawful jurisdiction, the person:

(1) either intended to cause the death of, or cause serious bodily injury to, the pregnant woman or her unborn child, or knew that such acts would cause death or serious bodily injury to the pregnant woman or her unborn child; or

(2) commits such acts recklessly under circumstances manifesting extreme indifference to the value of the life of the pregnant woman or her unborn child.

(b) The penalty for murder of an unborn child shall be the same as the penalty for murder defined in Chapter 16 of Title 9, Guam Code Annotated.

**§ 17.06. Manslaughter of an Unborn Child.**

**9 GCA CRIMES AND CORRECTIONS**  
**CH. 17 UNBORN VICTIMS OF VIOLENCE ACT**

(a) A person who kills an unborn child without lawful justification commits manslaughter of an unborn child if, at the time of the killing, the person was acting under a sudden and intense passion resulting from serious provocation by another who the offender endeavors to kill, but the person negligently or accidentally causes the death of the unborn child.

(b) Manslaughter of an unborn child is a felony of the first degree and is punishable to the same extent and manner as the offense of manslaughter defined in Chapter 16 of Title 9, Guam Code Annotated.

**§ 17.07. Aggravated Assault of an Unborn Child.**

(a) A person commits aggravated assault of an unborn child when, in committing assault against a pregnant woman, he or she causes serious bodily injury to an unborn child.

(b) Aggravated assault of an unborn child is punishable to the same extent and manner as the offense of aggravated assault in the second degree defined in Chapter 19 of Title 9, Guam Code Annotated.

**§ 17.08. Assault of an Unborn Child.**

(a) A person commits assault of an unborn child if he or she, without legal justification and by any means, commits assault on a pregnant woman as defined in § 19.30 of Chapter 19, Title 9, Guam Code Annotated.

(b) It is not a defense that no injury was caused to the unborn child as a result of the assault.

(c) Assault of an unborn child is punishable to the same extent and manner as the offense of assault defined in Chapter 19 of Title 9, Guam Code Annotated.

**§ 17.09. Knowledge Not a Defense.**

An offense committed under this Act does not require proof that:

(a) the person committing the offense had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

(b) the person committing the offense did not intend to cause the death of, or bodily injury to, the unborn child.

**§ 17.10. No Prohibition.**

**9 GCA CRIMES AND CORRECTIONS**  
**CH. 17 UNBORN VICTIMS OF VIOLENCE ACT**

The provisions of this Act shall not be construed to prohibit the prosecution of any person under any other provision of law.

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