

8 GCA CRIMINAL PROCEDURE
CH. 162 VICTIMS IMMUNITY ACT OF 2004

CHAPTER 162
VICTIMS IMMUNITY ACT OF 2004

SOURCE: Entire Chapter added by P.L. 27-138:5 (Dec. 30, 2004).

§ 162.01. Short Title.

§ 162.10. Definitions.

§ 162.20. Perpetrator Assumes Risks of Loss, Injury or Death.

§ 162.30. Guilty Verdict or Plea Constitutes Proof of Assumption of Risk.

§ 162.40. Perpetrator to Pay Reasonable Expenses of the Victim.

§ 162.50. Stay of Relief During Criminal Action Against Plaintiff.

§ 162.60. Severability.

§ 162.01. Short Title.

This Chapter shall be known as the ‘Victims Immunity Act of 2004’.

SOURCE: Added by P.L. 27-138:5 (Dec. 30, 2004).

§ 162.10. Definitions.

Terms used in this Chapter mean:

(a) ‘Convicted’ includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no contest plea, a judgment of conviction, an adjudication as a delinquent child, or an admission to a juvenile delinquency petition;

(b) ‘Course of Criminal Conduct’ includes the acts or omissions of the perpetrator in carrying out the crime of which convicted or of a victim in resisting criminal conduct;

(c) ‘Crime’ includes an offense named in Title 9, Guam Code Annotated, or an attempt to commit any of these offenses;

(d) ‘Perpetrator’ is any person who has engaged in criminal conduct and includes a person convicted of a crime;

(e) ‘Victim’ is a person who was the object of another's criminal conduct and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm.

SOURCE: Added by P.L. 27-138:5 (Dec. 30, 2004).

§ 162.20. Perpetrator Assumes Risks of Loss, Injury or Death.

8 GCA CRIMINAL PROCEDURE
CH. 162 VICTIMS IMMUNITY ACT OF 2004

A perpetrator assumes the risk of loss, injury, or death resulting from or arising out of a course of criminal conduct involving a crime, as defined in this Act, engaged in by the perpetrator or a person who aids or abets the perpetrator, as defined in Title 9, Guam Code Annotated, and the crime victim is immune from and not liable for any damages as a result of acts or omissions of the victim unless the victim used unreasonable force. However, the perpetrator's assumption of risk does not eliminate the crime victim's duty to protect against conditions upon the premises which the crime victim knows or has reason to know may create an unreasonable risk of harm or which may cause a foreseeable trespass by minors, nor does the assumption of risk apply to perpetrators who are mentally incompetent, nor does the assumption of risk apply to injury or damage resulting from the criminal acts by the victim.

SOURCE: Added by P.L. 27-138:5 (Dec. 30, 2004).

§ 162.30. Guilty Verdict or Plea Constitutes Proof of Assumption of Risk.

Notwithstanding other evidence that the victim may adduce relating to the perpetrator's conviction of the crime involving the parties to a claim for relief, a certified copy of a guilty plea, a court judgment of guilt, a court record of conviction, or an adjudication as a delinquent child is conclusive proof of the perpetrator's assumption of the risk.

SOURCE: Added by P.L. 27-138:5 (Dec. 30, 2004).

§ 162.40. Perpetrator to Pay Reasonable Expenses of the Victim.

If the perpetrator does not prevail in a claim for relief that is subject to this Act, the court may award reasonable expenses, including attorney's fees and disbursements, to the victim.

SOURCE: Added by P.L. 27-138:5 (Dec. 30, 2004).

§ 162.50. Stay of Relief During Criminal Action Against Plaintiff.

Except to the extent needed to preserve evidence, any claim for relief in which the defense set forth in this Chapter is raised shall be stayed by the court on the motion of the defendant during the pendency of any criminal action against the plaintiff based on the alleged crime.

SOURCE: Added by P.L. 27-138:5 (Dec. 30, 2004).

8 GCA CRIMINAL PROCEDURE
CH. 162 VICTIMS IMMUNITY ACT OF 2004

§ 162.60. Severability.

If any of the provisions of this Chapter, or the application thereof to any person or circumstance, are held invalid, such invalidity shall not affect any other provision or application of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

SOURCE: Added by P.L. 27-138:5.
