


I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. __-33

Introduced by:

Frank F. Blas, Jr. 

**AN ACT TO *AMEND* § 11306, CHAPTER 11, TITLE 7, GUAM
CODE ANNOTATED AND TO REPEAL § 11306.1,
CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED
RELATIVE TO THE STATUTE OF LIMITATIONS IN
CASES INVOLVING CHILD SEX ABUSE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that in light of growing awareness of the issue of child sexual abuse, many states have begun to reform both their criminal and civil statutes to give victims increased access to the legal system. Many victims of child sexual abuse have not been able to proceed with civil claims against the perpetrators because those claims have been barred by a state's statute of limitations. Most causes of action come with a statute of limitations, meaning that a claim must be brought within a certain period of time for the claim to proceed to court.

I Liheslaturan Guåhan further finds that statutes of limitations are justified by many on the grounds that courts should not have to deal with stale claims regarding offenses that allegedly occurred decades earlier, with valuable and potentially exculpatory evidence being lost in the meantime. However, statutes of limitations have been a particularly pressing problem in light of the delicate nature

1 of child sex crimes; victims often need many years to overcome the pain of their
2 abuse and time to obtain the courage needed to speak out about the abuse that they
3 have suffered. In an effort to enhance the legal opportunities for sexual abuse
4 victims, many states have extended the time period of the existing statute of
5 limitations regarding civil claims arising from child sexual abuse. Other states have
6 temporarily lifted their statute of limitations in order to give victims an opportunity
7 to raise civil claims against their predators. Some states have even gone as far as to
8 completely abolish their statute of limitations for civil suits resulting from child
9 sexual abuse. In addition, a recent trend in child sexual abuse law involves the
10 “tolling” of the statute of limitations for a variety of reasons in order to facilitate
11 legal claims brought by survivors of child sexual abuse. Taken as a whole, these
12 changes have reformed the system in which victims can seek civil actions as a result
13 of suffering through the trauma of child sexual abuse. And clearly the national trend
14 has moved toward loosening past restrictions and statute of limitations.

15 It is, therefore, the intent of *I Liheslaturan Guåhan* to revisit the issue of
16 statute of limitations regarding the horrendous crime of sexual abuse against children
17 and to lift the statute of limitations for civil actions. Further, it is the intent of *I*
18 *Liheslaturan Guåhan* to remove the current section requiring Certificates of Merit
19 as such information would routinely be provided in the course of litigation.

20 **Section 2.** § 11306, Chapter 11, Title 7, Guam Code Annotated is hereby
21 *amended* to read:

22 “§ 11306. ~~Within Two Years~~ Limitations Removed --.

23 (a) An action for assault, battery, false imprisonment, seduction of a person
24 below the age of legal consent, or for injury to, or for the death of, a person caused
25 by the wrongful act or neglect of another, except as provided for in § 11308.

1 (b) Notwithstanding ~~the provisions of Subsection (1) of this Section~~ any other
2 provision of law, ~~for a period of two (2) years at any time~~ following the effective
3 date of this Act, victims of child sexual abuse that occurred on Guam who have been
4 barred from filing suit against their abusers by virtue of the expiration of the civil
5 statute of limitations shall be permitted to file those claims in the Guam Superior
6 Court.

7 (c) A person against whom a suit is filed may recover attorney's fees and
8 damages where the Court determines that a false accusation was made with no basis
9 in fact and with malicious intent. A verdict in favor of the accused shall not be the
10 sole basis for a determination that an accusation was false. The Court must make an
11 independent finding of an improper motive to award attorney's fees and damages
12 under this Section.”

13 **Section 3.** § 11306.1, Chapter 11, Title 7, Guam Code Annotated is hereby
14 *repealed* in its entirety.

15 **Section 4. Severability.** *If* any provision of this Act or its application to any
16 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
17 *not* affect other provisions or applications of this Act that can be given effect without
18 the invalid provisions or application, and to this end the provisions of this Act are
19 severable.