



Compendium of U.S. Animal Protection Laws

Guam



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This chapter contains Guam’s general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Guam may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

ANIMAL PROTECTION LAWS OF GUAM

Guam Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

<p>1. Definition of “Animal”</p>	<p>“Animal” means any nonhuman mammal, bird, reptile, amphibian, or fish, and is inclusive of, but not limited to, livestock and domestic animals. 9 GUAM CODE § 70.15(a)</p> <p>“Animal” means any live non-human vertebrate creature, domestic or wild. 10 GUAM CODE § 34201(a)</p>
<p>2. General Cruelty</p>	<p>Cruelty definitions. 9 GUAM CODE § 70.15</p> <p>Animal Neglect. 9 GUAM CODE § 70.20 <i>Violation, \$500 fine</i></p> <p>Animal abuse resulting in physical injury. 9 GUAM CODE § 70.25 <i>Misdemeanor</i></p> <p>Animal abuse resulting in serious physical injury or death. 9 GUAM CODE § 70.25 <i>Third-degree felony</i></p> <p>Aggravated animal abuse (torture, malicious death). 9 GUAM CODE § 70.30 <i>Second-degree felony</i></p> <p>Bodily alterations, disablements, removals. 9 GUAM CODE § 70.45 <i>Misdemeanor</i></p> <p>Animal abandonment. 9 GUAM CODE § 70.50 <i>Violation, \$500 fine</i></p> <p>Failure of a motorist to render aid to an injured animal. 9 GUAM CODE § 70.55 <i>\$300 fine</i></p>

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	<p>Leaving an animal unattended in a vehicle. 9 GUAM CODE § 70.55 \$500 fine</p> <p>Exemptions: “Good animal husbandry” definition. 9 GUAM CODE § 70.15(d)</p> <p>Good animal husbandry, veterinary practice, population control. 9 GUAM CODE § 70.45</p> <p>Veterinary practice, research animals, lawful hunting, slaughter, pest control, cockfighting. 9 GUAM CODE § 70.65</p> <p>Emergency euthanasia. 9 GUAM CODE § 70.70</p> <p>Self-defense, defense of others or property. 10 GUAM CODE §§ 34110, 34111</p> <p>Greyhound racing. 10 GUAM CODE § 34210</p>
<p>3. Animal Fighting</p>	<p>NOTE: Laws regarding the seizure and restitution for dogs used in animal fighting can be found in those respective sections of this document.</p> <p>Various dogfighting activities, including spectatorship. 9 GUAM CODE § 70.35 <i>Third degree felony</i></p>
<p>4. Sexual Assault</p>	<p>Sexual assault of an animal. 9 GUAM CODE § 70.40 <i>Third degree felony</i></p>
<p>5. Cruelty to Working Animals</p>	<p>Definitions. 10 GUAM CODE § 34401</p> <p>Harassment or interference with assistance animal. 10 GUAM CODE § 34406(d) <i>Second degree misdemeanor</i></p>

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	<p>Serious injury to assistance animal. 10 GUAM CODE § 34406(e) <i>Third degree felony</i></p> <p>Killing of assistance animal. 10 GUAM CODE § 34406(f) <i>Third degree felony</i></p>
6. Laws Specific to Farmed Animals	<p>[None]</p>
7. Cruel Hunting, Trapping, and Fishing	<p>Traditional fishing methods defined. 5 GUAM CODE § 63101</p> <p>Taking fish with explosives. 5 GUAM CODE § 63104; 5 GUAM CODE § 63105</p> <p>Taking fish by means of poisonous or intoxicating substances unlawful. 5 GUAM CODE § 63106; 5 GUAM CODE § 63107</p> <p>Use of electrical devices. 5 GUAM CODE § 63108</p> <p>Fishing equipment and methods. 5 GUAM CODE § 63111</p> <p>Fishing with gill nets (tekin). 5 GUAM CODE § 63112</p> <p>Illegally taken fish. 5 GUAM CODE § 63114</p> <p>Protection of wild birds. 5 GUAM CODE § 63120</p> <p>Protection of wild animals. 5 GUAM CODE § 63121</p> <p>Penalty. 5 GUAM CODE § 63129</p>

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REPORTING LAWS	
8. Cross Reporting	<p>Police officers and social workers may report suspected animal cruelty, and have immunity for doing so. 9 GUAM CODE § 70.75(a)</p> <p>Physicians and other health care professionals shall report suspected animal fighting, and failure to do so may result in loss of licensure. 9 GUAM CODE § 70.35(f)</p>
9. Veterinary Reporting	<p>Veterinarians shall report suspected dogfighting, and failure to do so may result in loss of licensure. 9 GUAM CODE § 70.35(f)</p>
10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	<p>After a person is charged with felony animal cruelty, the court shall issue a restraining order that may prevent the defendant from contacting the animal victim, their human guardian, or any witnesses. 9 GUAM CODE § 70.75(e)</p>
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	<p>Misdemeanor. <i>1 year imprisonment and \$1,000 fine</i> 9 GUAM CODE § 80.34(a) 9 GUAM CODE § 80.50(c)</p> <p>Petty misdemeanor. <i>60 days imprisonment and \$500 fine</i> 9 GUAM CODE § 80.34(b) 9 GUAM CODE § 80.50(d)</p> <p>Third degree felony. <i>1st offense: 3 years imprisonment and \$5,000 fine</i> 9 GUAM CODE § 80.31(c)</p>

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	<p>9 GUAM CODE § 80.50(b) <i>Subsequent offenses: 5 years imprisonment and \$5,000 fine</i></p> <p>9 GUAM CODE § 80.30(c) 9 GUAM CODE § 80.50(b)</p> <p>Statute of limitations. <i>Felony: 3 years</i></p> <p>8 GUAM CODE § 10.20 <i>Misdemeanor or violation: 1 year</i></p> <p>8 GUAM CODE § 10.30</p>
<p>15. Law Enforcement Policies</p>	<p>Law enforcement officers, animal control officers, and volunteers have a duty to enforce animal cruelty laws. 9 Guam Code § 70.75(b)</p> <p>Definitions. 10 GUAM CODE § 34101</p> <p>Any officer authorized by the Director of Agriculture shall have authority as a peace officer to the extent necessary to enable them to discharge all duties assigned to them by law. 10 GUAM CODE § 34121(a),(c)</p> <p>Any peace officer may issue a citation of violation for animal mistreatment. 10 GUAM CODE § 34209(a)</p>
<p>16. Seizure</p>	<p>Upon conviction for animal fighting, personal and real property used for animal fighting may be seized. 9 GUAM CODE § 70.35(d)</p> <p>Authority of officers to rescue animals left unattended in motor vehicles. 9 GUAM CODE § 70.60</p> <p>Mandatory seizure of cruelly treated animals with a warrant. 9 GUAM CODE § 70.75(c)(1)</p> <p>Permissive seizure of cruelly treated animals without a warrant in exigent circumstances 9 GUAM CODE § 70.75(c)(2)</p>

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	<p>After seizure, caregiving agency has duty to provide minimum care. 9 GUAM CODE § 70.75(3)</p> <p>Seizing officers not liable for damages for entry. 9 GUAM CODE § 70.75(4)</p> <p>Notice to guardian of seizure. 9 GUAM CODE § 70.75(c)(5),(6)</p> <p>The Director of Agriculture may impound and hold mistreated or neglected pets or wild animals who need protective custody. 10 GUAM CODE §§ 34117, 34209(b)</p> <p>Any officer is authorized to enter upon any private premises, and is authorized to remove any pet from public or private property, if that officer has reason to believe that the pet or its owner is being mistreated or neglected. 10 GUAM CODE § 34121</p> <p>Authority of officers and director. 10 GUAM CODE § 34209</p>
<p>17. Courtroom Animal Advocate Program</p>	<p>[None]</p>
<p>18. Restitution</p>	<p>Defendant must post bond for seized animal's costs of care within 10 days of seizure. 9 GUAM CODE § 70.75(d)</p> <p>If a defendant is convicted of animal cruelty, they shall reimburse the caregiving agency for all costs of care. 9 GUAM CODE § 70.80(g)</p> <p>Upon conviction, defendant shall reimburse the animal's guardian for any medical costs stemming from the cruelty. 9 GUAM CODE § 70.80(h)</p> <p>Fines and restitution allowed. 9 GUAM CODE § 80.50</p> <p>The owners of any pets returned shall be assessed a per diem fee for the animal's care based on the facility's operating costs.</p>

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	<p>10 GUAM CODE § 34117</p> <p>Pet owners shall also pay all applicable costs, such as vaccination, licensing, and per diem fee for impoundment.</p> <p>10 GUAM CODE § 34125</p> <p>The Director may assess a per diem fee based on the facility's operating costs to anyone who receives the animal.</p> <p>10 GUAM CODE § 34209</p>
<p>19. Forfeiture and Possession Bans</p>	<p>If a bond is not posted with the court for the animals' costs of care, the animal shall be forfeited to the caregiving agency.</p> <p>9 GUAM CODE § 70.75(d)</p> <p>Upon conviction, the defendant shall forfeit any animals subjected to a cruelty violation.</p> <p>9 GUAM CODE § 70.80(d)</p> <p>Mandatory post-conviction possession ban for felonies; 5 years for first offense and 15 year for second or subsequent offenses.</p> <p>9 GUAM CODE § 70.80(e)</p> <p>The Director of Agriculture may order a seized pet destroyed or given up for adoption, as the Director deems in the best interests of the pet and the public.</p> <p>10 GUAM CODE §§ 34117, 34209(c)</p>
<p>20. Rehabilitative Sentencing</p>	<p>Mandatory psychological evaluation and, if necessary, treatment following a felony conviction; treatment may include humane education courses.</p> <p>9 GUAM CODE § 70.80(b)</p>

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1. DEFINITION OF “ANIMAL”

9 GUAM CODE § 70. 15. Cruelty to animals; definitions.

For purposes of this Chapter:

- (a) *“Animal” means any nonhuman mammal, bird, reptile, amphibian, or fish, and is inclusive of, but not limited to, livestock and domestic animals.*
- (b) Caregiving agency means an animal shelter, humane society, or other animal care agency that has as its principal purpose the humane treatment of animals, and that has temporary custody of an animal after the animal has been seized.
- (c) *“Domestic animal” means any animal, other than livestock, that is owned by a person or in a person’s possession.*
- (d) *Good animal husbandry* includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, or the ear cropping and tail docking of dogs, according to accepted practices of veterinary medicine or animal husbandry.
- (e) Guardian means a person who has possession, title, ownership interest, or other legal interest in an animal.
- (f) Livestock means cattle, carabao, swine, deer, sheep, goats, equine, and poultry raised for labor, food, or other purposes.
- (g) *Minimum care* means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the guardian, includes, but is not limited to, the following requirements:
 - (1) Open or adequate access to food of reasonable quantity and quality to allow for normal growth or maintenance of body weight;
 - (2) open or adequate access to potable water in reasonable quantity to satisfy the animal’s needs;
 - (3) access to a structure reasonably sufficient to protect the animal from wind, rain, sun, or other environmental or weather conditions;
 - (4) veterinary and other care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;
 - (5) for a domestic animal, continuous access to an area:
 - (A) with adequate space and room for exercise necessary for the health of the animal;
 - (B) kept reasonably clean and free from excess waste or other contaminants that could affect the health of the animal(s);
 - (C) with adequate ventilation;
 - (D) with regular diurnal lighting cycles of either natural or artificial light; and
 - (E) kept reasonably clean and free from excess waste or other contaminants that could affect the health of the animal(s).
- (h) *Officer* means a member of the Guam Police Department, a Mayor of Guam, an Animal Control Officer, a Conservation Officer, or any other person authorized by law by the Chief of the Guam Police Department or by the Director of the Department of Agriculture.
- (i) Person means an individual, corporation, trust, partnership, association, or any other legal entity.
- (j) Physical injury means physical trauma, impairment of condition, or pain or illness produced by violence

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or by a thermal or chemical agent, and includes, but is not limited to, starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.

- (k) *Physical trauma* means fractures, cuts, punctures, bruises, burns or other wounds.
- (l) Possession means to have physical custody or to exercise dominion with intent of ownership or control over an animal.
- (m) *Serious physical injury* means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment to the function of a limb or bodily organ.
- (n) *Torture* means an action taken for the primary purpose of inflicting pain.
- (o) Suffering means fear, agitation, severe depression or stress, or other forms of severe emotional or mental distress.

10 GUAM CODE § 34201. Definitions.

For purposes of this Article:

- (a) *“Animal” means any live non-human vertebrate creature, domestic or wild;*
- (b) *“Animal shelter” means any facility operated by a humane society, the government of Guam or their authorized agents for the purpose of caring for animals held under the authority of this Article;*
- (c) *“Auctions” mean any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this Article. This does not apply to individual sales of animals by owners;*
- (d) *“Circus” means a commercial variety show featuring animal acts for public entertainment;*
- (e) *“Commercial animal establishment” means a pet shop, grooming shop, auction, riding school or stable, zoological park, circus performing animal exhibition, animal quarantine facility or kennel;*
- (f) *“Grooming shop” means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed;*
- (g) *“Officer” means a member of the Guam Police Department, a Mayor or a person authorized by the Director of Agriculture (the “Director”);*
- (h) *“Kennel” means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs or cats, or any premises in a non-agricultural zone area upon which five (5) or more adult dogs or cats are harbored or kept;*
- (i) *“Owner” means any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered three (3) consecutive days or more;*
- (j) *“Performing animal exhibition” means any spectacle, display, act or event other than circuses in which performing animals are used;*
- (k) *“Pet” means any animal kept for pleasure rather than utility;*
- (l) *“Pet shop” means any person, partnership or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel that buys, sells or boards any species of animal;*
- (m) *“Public nuisance” means any animal that:*

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- (1) Molests passersby or passing vehicles;
 - (2) Attacks other animals;
 - (3) Trespasses on school grounds;
 - (4) Is repeatedly at large; or
 - (5) Damages private or public property;
- (n) “Restraint” means any animal secured by a leash or lead or under the control of a responsible person and obedient to that person’s commands or within the real property limits of its owner;
- (o) “Riding school or stables” mean any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro;
- (p) “Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals;
- (q) “Vicious animal” means any animal that constitutes a physical threat to human beings or other animals;
- (r) “Wild animal” means any animal which is not commonly domesticated, or which is not native to Guam, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal, which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or contained in a safe and secure manner;
- (s) “Zoological parks” means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency;
- (t) “Permitting authority” means the Department of Agriculture (the Department) which shall be the permitting authority for purposes of this Article.

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2. GENERAL CRUELTY

9 GUAM CODE § 70.15. Cruelty to animals; definitions.

For purposes of this Chapter:

- (a) *Animal* means any nonhuman mammal, bird, reptile, amphibian, or fish, and is inclusive of, but not limited to, livestock and domestic animals.
- (b) *Caregiving agency* means an animal shelter, humane society, or other animal care agency that has as its principal purpose the humane treatment of animals, and that has temporary custody of an animal after the animal has been seized.
- (c) *Domestic animal* means any animal, other than livestock, that is owned by a person or in a person's possession.
- (d) *Good animal husbandry* includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, or the ear cropping and tail docking of dogs, according to accepted practices of veterinary medicine or animal husbandry.
- (e) *Guardian* means a person who has possession, title, ownership interest, or other legal interest in an animal.
- (f) *Livestock* means cattle, carabao, swine, deer, sheep, goats, equine, and poultry raised for labor, food, or other purposes.
- (g) *Minimum care* means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the guardian, includes, but is not limited to, the following requirements:
 - (1) *Open or adequate access to food of reasonable quantity and quality to allow for normal growth or maintenance of body weight;*
 - (2) *open or adequate access to potable water in reasonable quantity to satisfy the animal's needs;*
 - (3) *access to a structure reasonably sufficient to protect the animal from wind, rain, sun, or other environmental or weather conditions;*
 - (4) *veterinary and other care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;*
 - (5) *for a domestic animal, continuous access to an area:*
 - (A) *with adequate space and room for exercise necessary for the health of the animal, and*
 - (B) *kept reasonably clean and free from excess waste or other contaminants that could affect the health of the animal(s).*
 - (C) *with adequate ventilation;*
 - (D) *with regular diurnal lighting cycles of either natural or artificial light; and*
 - (E) *kept reasonably clean and free from excess waste or other contaminants that could affect the health of the animal(s).*
- (h) *Officer* means a member of the Guam Police Department, a Mayor of Guam, an Animal Control Officer, a Conservation Officer, or any other person authorized by law by the Chief of the Guam Police Department or by the Director of the Department of Agriculture.
- (i) *Person* means an individual, corporation, trust, partnership, association, or any other legal entity.
- (j) *Physical injury* means physical trauma, impairment of condition, or pain or illness produced by violence

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or by a thermal or chemical agent, and includes, but is not limited to, starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.

- (k) *Physical trauma means fractures, cuts, punctures, bruises, burns or other wounds.*
- (l) *Possession means to have physical custody or to exercise dominion with intent of ownership or control over an animal.*
- (m) *Serious physical injury means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment to the function of a limb or bodily organ.*
- (n) *Torture means an action taken for the primary purpose of inflicting pain.*
- (o) *Suffering means fear, agitation, severe depression or stress, or other forms of severe emotional or mental distress.*

9 GUAM CODE § 70.20. Animal neglect (violation).

- (a) *A person commits the offense of Animal Neglect if, except as otherwise authorized by § 70.65 of this Article, the person intentionally, knowingly, or recklessly fails to provide minimum care for an animal in the person's possession.*
- (b) *Animal Neglect is an offense punishable by a fine of not more than Five Hundred Dollars (\$500) per offense.*
- (c) *Each act or omission in violation of Subsection (a) of this Section shall constitute a separate offense.*

9 GUAM CODE § 70.25. Animal abuse.

- (a) *A person commits the crime of Animal Abuse if, except as otherwise authorized by § 70.65 of this Article, the person intentionally, knowingly, recklessly, or with criminal negligence:*
 - (1) *causes physical injury to an animal;*
 - (2) *causes serious physical injury to an animal; or*
 - (3) *causes the death of an animal.*
- (b) *Animal Abuse under Subsection (a)(1) of this Section is a misdemeanor. Animal Abuse under Subsection (a)(2) or (a)(3) of this Section is a third degree felony.*
- (c) *Each act or omission in violation of Subsection (a) of this Section shall constitute a separate offense.*

9 GUAM CODE § 70.30. Aggravated animal abuse.

- (a) *A person commits the crime of Aggravated Animal Abuse if, except as otherwise authorized by § 70.65 of this Article, the person intentionally, knowingly, recklessly, or with criminal negligence:*
 - (1) *tortures an animal; or*
 - (2) *causes the death of an animal under circumstances demonstrating malice aforethought.*

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- (b) Aggravated Animal Abuse is a second degree felony.
- (c) Each act or omission in violation of Subsection (a) of this Section shall constitute a separate offense.

9 GUAM CODE § 70.45. Bodily alterations, disablements, or removals.

- (a) *It is unlawful for any person to remove or permanently alter or disable, or cause or procure to be removed or permanently altered or disabled, any part or organ, or the function of any part or organ, of an animal, except as necessary for proper and lawful veterinary care, population control, or good animal husbandry; provided, that population control or good animal husbandry is under the supervision or instruction of a licensed veterinarian, and:*
 - (1) all surgical procedures must be performed or supervised by a licensed veterinarian in accordance with the American Veterinarian Medical Association policy, and the veterinarian shall counsel pet owners about the matter before agreeing to perform these surgeries and shall record said consultation in the pet's record; and
 - (2) any person performing procedures for population control of livestock or good animal husbandry for livestock may do so without direct supervision of a licensed veterinarian; provided, that said person has been properly trained by a licensed veterinarian and properly conducts said procedures in accordance with generally accepted industry standards.
- (b) A violation of Subsection (a) of this Section is a misdemeanor.
- (c) Each act in violation of Subsection (a) of this Section shall constitute a separate offense.

9 GUAM CODE § 70.50. Animal abandonment.

- (a) *A person commits the crime of Animal Abandonment if the person intentionally, knowingly, or recklessly leaves a domestic animal at a location without providing for the animal's minimum care as defined in § 70.10.1(g) this Article.*
- (b) Animal Abandonment is a violation that shall be subject to a fine of not more than Five Hundred Dollars (\$500).
- (c) Each act in violation of Subsection (a) of this Section shall constitute a separate offense.

9 GUAM CODE § 70.55. Failure of a motorist to render aid to an injured animal.

- (a) *A person who, while operating a motor vehicle, knowingly injures or kills a cat, dog, or livestock, excluding chickens, shall stop and render such assistance as may be possible and safe to provide, and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, or it is unsafe to make contact with the animal's owner, the operator of the motor vehicle shall immediately report the accident and location to a peace officer or animal control officer.*
- (b) A violation of Subsection (a) of this Section shall be punishable by a fine of not more than Three Hundred Dollars (\$300) per offense.

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9 GUAM CODE § 70.60. Leaving animals unattended in motor vehicles; penalty; authority of officers.

- (a) For the purposes of this Section:
- (1) Vehicle means a car, truck, camper, trailer, or other form of transportation in which an animal can be transported.
 - (2) Extreme temperature means an extremely cold or high temperature, inside or outside of a vehicle, that could endanger an animal's health, safety, or well-being.
- (b) A person shall not confine an animal in a vehicle in a manner that could reasonably be expected to threaten the health, safety, and well-being of the animal due to conditions that include, but are not limited to, extreme temperatures, lack of adequate ventilation, lack of food or water, or confinement with a vicious or dangerous animal, or other circumstances that could reasonably be expected to cause suffering, disability, physical injury, or death to the animal.
- (c) After making reasonable efforts to locate the vehicle's owner, an animal control officer, peace officer, law enforcement officer, or firefighter may enter a vehicle by any reasonable means to protect the health, safety and well-being of an animal who is endangered by confinement in a vehicle. A peace officer, law enforcement officer, animal control officer, or firefighter may enter the vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.
- (d) An animal control officer, peace officer, law enforcement officer, or firefighter who removes or otherwise retrieves an animal under this Section shall:
- (1) leave written notice in a secure and conspicuous location on or in the vehicle bearing the officer's or firefighter's name and title, and the address of the location where the animal may be retrieved; and
 - (2) take the animal to a veterinary clinic or animal shelter for a health screening and treatment.
- (e) An animal control officer, peace officer, law enforcement officer, or firefighter who removes or otherwise retrieves an animal from a vehicle under this Section shall be immune from criminal or civil liability that might otherwise result from the removal.
- (f) Penalties.
- (1) A person in violation of Subsection (b) of this Section shall be subject to a fine of not more than Five Hundred Dollars (\$500).
 - (2) The owner may retrieve the animal removed by an officer or firefighter only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

9 GUAM CODE § 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

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- (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 disinfection 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;*
 - (7) *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;*
 - (8) *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)(8) 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.*

9 GUAM CODE § 70.70. Euthanasia procedures.

- (a) *Unless otherwise authorized by law, sodium pentobarbital and such other agents as may be specifically approved by the Guam Board of Allied Health Examiners shall be the only methods used for euthanasia of an animal. A lethal solution shall be used in the following order of preference:*
- (1) *intravenous injection by hypodermic needle;*
 - (2) *intraperitoneal injection by hypodermic needle;*

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- (3) intracardial injection by hypodermic needle, but only if performed on heavily sedated, anesthetized, or comatose animals; or
- (4) solution or powder added to food.
- (b) An animal may be tranquilized with an approved and humane substance before euthanasia is performed.
- (c) Succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium, potassium, or any substance which acts as a neuromuscular blocking agent, or any chamber which causes a change in body oxygen, may not be used on any animal for the purpose of euthanasia.
- (d) Euthanasia shall be performed only by a licensed veterinarian, trained animal control officers, or an employee or agent, in accordance with § 121906 of Article 19, Part 2, Chapter 12, Title 10, Guam Code Annotated.
- (e) An animal may not be left unattended between the time euthanasia procedures are first begun and the time that death occurs, and the animal's body may not be disposed of until a licensed veterinarian, or person, as authorized by § 121906 of Article 19, Part 2, Chapter 12, Title 10, Guam Code Annotated, confirms death.
- (f) *Notwithstanding the provisions of this Section or any other law to the contrary, whenever an emergency situation exists which requires the immediate euthanasia of a seriously injured, dangerous, or severely diseased animal, a peace officer or veterinarian may humanely destroy the animal.*
- (g) The remains of the euthanized animal shall be properly disposed of in accordance with Guam law.
- (h) Any violation of this Section is a misdemeanor.
- (i) Each act or omission in violation of this Section shall constitute a separate offense.

10 GUAM CODE § 34110. Immediate menace.

It shall be lawful for any officer, if there are no other readily available means of bringing the pet under control, to kill any pet that constitutes an immediate menace to any person. The officer shall turn the carcass of the pet over to the Department as soon as possible for examination as determined by the Director, and compile a written report and submit to the Director describing the event leading to the killing if said pet was licensed.

10 GUAM CODE § 34111. Persons attacked by animal.

Any person who is attacked by a pet or animal or any person witnessing any such attack may kill such pet or animal while so attacking or thereafter. Such person shall notify the Department immediately of such killing and remain with the carcass until an officer takes possession of the carcass. The carcass shall be immediately delivered to the Department for examination.

10 GUAM CODE § 34210. Penalties.

- (a) Except as otherwise provided herein, any person violating any provision of this Article shall be deemed

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guilty of a violation and shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500). If any violation be continuing, each day's violation shall be deemed a separate violation.

- (b) *The provisions of this Article shall not apply to any operator of a greyhound racing track nor to any greyhound racing dog so long as such greyhound is subject to regulation by the Department of Revenue and Taxation.*

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3. ANIMAL FIGHTING

NOTE: Laws regarding the seizure and restitution for dogs used in animal fighting can be found in those respective sections of this document.

9 GUAM CODE § 70.35. Animal fighting.

- (a) *No person shall cause, sponsor, aid, abet, arrange, hold, or encourage any animal to fight, menace, or injure another animal for the purpose of sport, amusement, or pecuniary gain. This Section does not apply to cockfighting that is authorized by law.*
- (b) *For the purposes of this Section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:*
- (1) *is knowingly present at or wagers on such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;*
 - (2) *owns, trains, transports, possesses, has custody or control of, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;*
 - (3) *knowingly allows any such occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;*
 - (4) *knowingly allows any animal to be used for such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by the person;*
 - (5) *knowingly advertises or uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or*
 - (6) *knowingly possesses, owns, buys, sells, transfers, or manufactures any animal used for fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to train or enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.*
- (c) Any violation of Subsection (a) of this Section shall constitute Animal Fighting, which is a third degree felony.
- (d) Notwithstanding any other provision of law, the penalty for violations of Subsection (a) of this Section shall be confinement in a correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a fine of not less than Five Thousand Dollars (\$5,000) and no more than Fifteen Thousand Dollars (\$15,000) or both per violation. Additionally, any person convicted of any violation of this Section may be subject to seizure of any personal property, including vehicles, and real property at which the animal fight was staged.
- (e) Nothing in this Section shall constitute a prohibition or ban on the possession, lawful importation/exportation, breeding or selling of any breed of dog.
- (f) Veterinarians and/or physicians and/or health professionals are required to report suspected animal fighting incidents, excluding cockfighting as authorized by law, that come to their attention through the

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provision of medical services to an animal to the Guam Police Department within five (5) days of learning of dogfighting incidents. Failure to do so shall result in potential loss of licensure if deemed appropriate by the appropriate licensure agencies. Any veterinarians, physicians, or health professionals making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

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4. SEXUAL ASSAULT

9 GUAM CODE § 70.40. Sexual assault of an animal.

- (a) *A person commits the crime of Sexual Assault of an Animal if the person knowingly:*
- (1) *touches or contacts, or causes an object or another person to touch or contact, the mouth, anus, or sex organs of an animal or animal carcass for the purpose of arousing or gratifying the sexual desire of a person; or*
 - (2) *causes an animal or animal carcass to touch or contact, the mouth, anus, or sex organs of a person for the purpose of arousing or gratifying the sexual desire of a person.*
- (b) Sexual assault of an animal is a third degree felony.
- (c) Each act in violation of Subsection (a) of this Section shall constitute a separate offense.

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5. CRUELTY TO WORKING ANIMALS

10 GUAM CODE § 34401 Definitions.

- (a) *Animal assistance is defined as assistance given to human endeavors by dogs. It is a dog that has been individually trained to do work or perform tasks for the benefit of an individual. This is a broad term that covers therapy dogs, service dogs, and other type of animals, commonly used to describe the utilization of various species of animals in diverse manners beneficial to humans. Areas include, but are not limited to, search and rescue operations, improvement in cognitive functioning, emotional support, assistance to visual impairment, and similar activities (see specific definitions):*
- (1) Animal-assisted activity (AAA) means an activity that involves a team consisting of a handler and therapy dog interacting with individuals in Guam; this is considered the lowest level of animal assisted intervention and usually consists of visitation type dogs;
 - (2) Animal-assistance community (AAC) means the local or regional entities capable of providing animal-assisted therapy, service dog actions or animal-assisted activities to individuals within Guam; the animal-assistance community is comprised of duly registered Guam based non-profit, private, and government organizations with a mission that supports animal assisted interventions;
 - (3) Animal-assisted therapy (AAT) means goal-directed intervention in which a team consisting of a therapist, as defined in Subsection (h), and a therapy animal, or a therapist handler and a therapy animal, is used as an integral part of the therapy process to aid individuals who have
 - (A) experienced mental, physical or emotional trauma;
 - (B) witnessed, or have been a victim of, an act of violence; or
 - (C) behavioral health care needs;
 - (4) Animal-assisted education (AAE) is a planned and structured intervention directed and/or delivered by educational and related service professional with specific academic or educational goals;
 - (5) Assistance animal trainee means an animal that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual;
 - (6) Assistance animal trainer means an individual exercising care, custody and control over an assistance animal trainee during a course of training designed to develop the trainee into an assistance animal;
 - (7) Animal-assisted activity organization means any entity involved in training or incorporating dogs within the animal-assisted activity community; and
 - (8) *Assistance dogs (or a similar term is therapy dog) are animals trained to assist professionals by improving the quality of their work. have the public access freedom afforded under the Americans with Disabilities Act.*

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- (b) Disability has the meaning stated in the federal Americans with Disabilities Act of 1990, 42 U.S.C. § 12102 (ADA), as amended, to include, but not be limited to, the following:
- (1) Blind means a visual acuity not exceeding 20/200 in the better eye with corrective lenses; or a visual field of which the widest diameter subtends an angle of not more than twenty (20) degrees;
 - (2) Deaf means a permanent hearing loss that necessitates the use of amplification devices to hear oral communication; or for which amplification devices are ineffective; and
 - (3) Mobility impaired means an inability to carry objects or to move or travel without the use of an assistive device or service animal.
- (c) Companion dogs/pets means dogs/animals that are trained to be obedient and loyal pets. The presence of a dog for comfort, protection, or personal defense does not qualify a dog as being trained to mitigate an individual's disability and therefore does not qualify the dog as a service dog covered under the provisions of the ADA or as a therapy or a professional working dog.
- (d) Place of public accommodation means a place of public accommodation as defined by the Americans with Disabilities Act as businesses, organizations and government agencies that serve the public, including any place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements, transportation or otherwise.
- (1) A place of public accommodation is any place that is open to the public and owned or maintained by a public body, regardless of whether the place is commercial in nature.
 - (2) The term does not include air carriers covered by the Air Carrier Access Act of 1986, 49 U.S.C. § 41705, and by regulations adopted by the United States Department of Transportation to implement such act.
- (e)
- (1) Prison Dog Program is a community service project and means a partnership between the Guam Department of Corrections with an animal assisted activity organization(s) to
 - (A) provide training to homeless dogs in order to improve the adoptability of the dog;
 - (B) take advantage of the social/psychological benefits of animal therapy for the inmate;
 - (C) aid in the reduction of stray dogs; and
 - (D) benefit the community.
 - (2) In relationship to a Guam Prison Dog Program the following definitions apply:
 - (A) Dog bite means oral contact by a dog that scratches or breaks the skin
 - (B) Dog Trainer I is an inmate who has been properly screened and assigned to serve as the substitute or secondary handler and trainer for an assigned dog in a Prison Dog Training Program.
 - (C) Dog Trainer II is an inmate who has been properly screened and assigned to serve as the primary handler and trainer for an assigned dog through the Prison Dog Training Program.

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- (D) Facility Primary Program Coordinator is a Department of Corrections employee designated by the facility head to manage and coordinate all aspects of a Prison Dog Training Program at the facility level.
 - (E) Facility Secondary Program Coordinator is an employee who is designated to be responsible for managing and coordinating the program in the absence of the Primary Coordinator.
 - (F) Home furlough is a brief period of time when a volunteer is allowed to take a dog that is in a Prison Dog Training Program to their home or into the community for socialization or other supportive community training as may be required or needed as a part of the overall training program. Upon conclusion of the furlough, the dog is returned to the prison facility.
 - (G) Volunteer Inmate Trainer is an inmate who has requested and been approved to participate and provide services in a Prison Dog Training Program on a voluntary basis, and the inmate volunteer meets all of the program participation criteria for his or her services; and
 - (H) Volunteer Trainer is a professional trainer recommended by the animal assisted activity organization and approved by the facility who volunteers their time to teach the Dog Trainer I and Dog Trainer II appropriate methods and techniques of training dogs. All volunteers must adhere to the Department of Corrections Community Volunteer Program policy.
- (f) *Service dogs, for the purpose of this Article and in accordance with the Americans with Disabilities Act (ADA), as amended by the September 15, 2010 Regulations, is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.*
- (1) The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to,
 - (A) guiding an individual who is visually impaired or blind,
 - (B) alerting an individual who is deaf or hard of hearing,
 - (C) pulling a wheelchair,
 - (D) assisting with mobility or balance,
 - (E) alerting and protecting an individual who is having a seizure,
 - (F) retrieving objects,
 - (G) alerting an individual to the presence of allergens,
 - (H) providing physical support and assistance with balance and stability to an individual with a mobility disability,
 - (I) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors,
 - (J) reminding an individual with mental illness to take prescribed medications,
 - (K) calming an individual with post-traumatic stress disorder (PTSD) during an anxiety attack, or

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- (L) doing other specific work or performing other special tasks.
- (2) The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.
- (3) For the purposes of this Article, a service dog is not generally a pet, although some are also treated as a pet.
- (4) Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition, consistent with 28 C.F.R., Part 35, § 35.104 and Chapter I, Part 36, Subpart A, § 36.104 (2010 Title II ADA Regulation).
- (5) Service dogs are permitted, in accordance with the ADA, to accompany a person with a disability almost anywhere the general public is allowed. This includes restaurants, businesses, and on airplanes. Types of service dogs include:
- (A) Guide Dog guides a person who is blind or visually impaired;
 - (B) Hearing Dog alerts a person who is deaf or hearing impaired to sounds such as door bells, smoke alarms, and alarm clocks;
 - (C) Medical Alert Dog is a dog that notifies a person of a change in body chemistry that may indicate a health concern, such as low or high blood sugar for a person with diabetes, or that a seizure is imminent for a person with epilepsy;
 - (D) Mobility Dog assists a person in performing tasks such as opening doors, picking up objects, and pulling wheelchairs; and provides stability to a person with the aid of a special harness; and
 - (E) Psychiatric Service Dog assists a person with a psychiatric disorder such as anxiety or PTSD. It is an important distinction of a psychiatric service dog that it performs a specific task to assist a person, as is the case with all service dogs. Some examples are:
 - (i) if a person suffers from PTSD and is prone to nightmares, their service dog is trained to wake them from their nightmares;
 - (ii) if a person suffers from PTSD and is not comfortable venturing alone into public places, their service dog is trained to move in and stand as a barrier between them and anyone who approaches;
 - (iii) if a person occasionally does something unconsciously that physically harms themselves, such as pulling or picking at something, their service dog is trained to alert them to their actions.

In each of these examples if the dog was not trained to perform the task described, and it was simply its calming presence that kept the person from having nightmares, helped them feel comfortable venturing into public places, or kept them from harming themselves, it would not qualify as a service dog for the purposes of this Article.

(g) *Professional Working Dog (PWD) is a dog trained to do useful work.*

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- (1) For purposes of this Article, Professional Working Dogs are segregated into a separate category from Therapy Dogs and Service Dogs. However, in the animal assisted intervention community they are often included in certain categories.
- (2) PWDs are dogs that receive training to perform tasks in a variety of areas of human endeavor. Unlike Service Dogs they do not enjoy access afforded by the Americans with Disabilities Act, but they do have public access when performing their trained task. For instance, a bomb-sniffing dog has public access in airports or in instances when searching for bombs.
- (3) PWDs also tend not to have a therapeutic one-to-one relationship with humans such as that with Therapy Dogs.
- (4) PWDs are distinguishable from service dogs and therapy dogs. *Some examples of Professional Working Dogs are:*
 - (A) *Search and Rescue Dog is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies;*
 - (B) *Tracking Dog is trained to track and find a missing person, escaped inmate, or fleeing felon;*
 - (C) *Narcotic Detection Dog is trained to locate narcotics by scent;*
 - (D) *Patrol Dog is trained to protect a peace officer and to apprehend a person;*
 - (E) *Accelerant Detection Dog is trained for accelerant detection, commonly referred to as arson canines;*
 - (F) *Bomb Detection Dog is trained to locate bombs or explosives by scent;*
 - (G) *Cadaver Dog is trained to find human remains;*
 - (H) *Herding Dog is trained to control other animals such as sheep; and*
 - (I) *Actor Dog is trained to perform in the arts.*

(h) Therapist means any licensed

- (1) physician who specializes in psychiatry;
- (2) psychologist or professional counselor;
- (3) marital and family therapist;
- (4) clinical social worker or master social worker;
- (5) occupational therapist; or
- (6) other mental health professional.

(i)

- (1) *Therapy Dog means any dog trained to provide comfort to individuals who have*
 - (A) *experienced mental, physical or emotional trauma;*
 - (B) *witnessed, or has been a victim of, an act of violence; or*
 - (C) *behavioral health care needs.*
- (2) A therapy dog has no special rights of access, except in those facilities where they are welcomed.
 - (A) They may not enter businesses with a “no pet” policy or accompany their handler in the cabin of an airplane regardless of their therapy dog designation.
 - (B) Some examples of therapy dogs include:

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- (i) Courthouse Companion Dog is trained and used to facilitate testimony in minors or mentally disabled within a court room setting. Outside the courtroom, Courthouse Companion Dogs do not have a public access clearance;
- (ii) Emotional Support Dog is trained and prescribed by a therapist to provide therapeutic support to a person with a mental illness by a licensed mental health professional for a person with a mental illness.
 - a) The prescription must state that the individual has an impairment that substantially limits one (1) or more major life activities, and that the presence of the dog is necessary for the individual's mental health.
 - b) Pursuant to the ADA, individuals with emotional support dogs do not have the same rights to public access as individuals with a service dog.
 - c) Emotional support dogs may only accompany their owners in public areas with the express permission of each individual venue and/or facility management.
 - d) Emotional support dogs may travel with their owner on an airplane and may live with their owner in locations covered by the Fair Housing Act (FHA) regardless of a “no pet” policy;
- (iii) Reading Dog is trained to facilitate reading skill improvement in children;
- (iv) Hospital Dog is trained to bring emotional comfort to persons within the hospital or clinical setting;
- (v) Facility Dog is trained and prescribed by a therapist to live on-site as a resident therapy dog and can be found at nursing homes, residential facilities, group homes, or at many businesses.
 - a) If a Therapy Dog is a “familiar face” at a business, that qualifies as a Facility Dog.
 - b) Facility dogs do not have public access outside the office or building where they work.

10 GUAM CODE § 34406 Penalties and fines.

The Americans with Disabilities Act provides that the owners or operators of a place of public accommodation cannot deny access to the facility to a disabled person with a service animal or service animal trainee, except under very specific circumstances.

- (a) Violators of the ADA can be required to pay money damages and penalties. The following ADA fine fee schedule is in effect, and shall be deemed adopted and applicable to Guam, as follows:
 - (1) for a first (1st) offense, a fine of One Thousand Dollars (\$1,000)
 - (2) for a second (2nd) offense, a fine of Two Thousand Dollars (\$2,000); and
 - (3) for subsequent offenses, a fine of Five Thousand Dollars (\$5,000).

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- (b) It is unlawful for a person to fraudulently misrepresent an animal as a service animal or service animal in training.
- (1) Fraudulent representation shall be a misdemeanor violation for any person to knowingly verbally misrepresent or affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs, or license tag; and
 - (2) the following fine fee schedule shall be deemed adopted and applicable to Guam, as follows:
 - (A) for a first (1st) offense, a fine of One Thousand Dollars (\$1,000);
 - (B) for a second (2nd) offense, a fine of Two Thousand Dollars (\$2,000); and
 - (C) for subsequent offenses, a fine of Five Thousand Dollars (\$5,000).
- (c) Refusing Access. Any place of public accommodation commits a misdemeanor violation if it refuses access to public accommodation or charges a fee for access to a public accommodation to a person using a service dog/service animal trainer.
- (d) *Harassment of or Interference With.* Any person who knows or has reason to know that an animal is a Professional Working Dog, Service Dog or Therapy Dog, and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a Professional Working Dog, Service Dog or Therapy Dog shall be guilty of a misdemeanor in the second (2nd) degree.
- (e) *Serious Harm to Assistance Animal.* Any person who knows or has reason to know that an animal is a Professional Working Dog, Service Dog or Therapy Dog and who willfully causes or attempts to cause serious harm to the animal shall be guilty of animal abuse in the first (1st) degree and subject to the penalties contained in 9 GCA § 70.10.1.
- (f) *Killing of Assistance Animal.* Any person who knows or has reason to know that an animal is a law enforcement agency animal, an assistance animal, or a search and rescue animal and who willfully kills the animal shall be guilty of animal abuse in the first (1st) degree and subject to the penalties contained in 9 GCA § 70.10.1.
- (g)
- (1) A defendant convicted of violating this Section shall also owe full financial restitution to the owner which shall include, but is not limited to, the following:
 - (A) veterinary, medical care, and boarding expenses;
 - (B) medical expenses for the person with the disability relating to the harm inflicted upon the assistance animal;
 - (C) replacement and training or retraining;
 - (D) expenses incurred to provide temporary mobility services to the person with a disability; and
 - (E) wages or income lost while the assistance animal is receiving training or retraining.
 - (2) Emergency medical treatment shall not be denied to an assistance dog assigned to a person regardless of the person's ability to pay prior to treatment, and the convicted person(s) shall be fully liable for the payment of the medical treatment.

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6. LAWS SPECIFIC TO FARMED ANIMALS

[None]

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

5 GUAM CODE § 63101. Definitions.

As used in this Article:

- (a) Altering - to change, damage, impact, break, remove, relocate, or to harm, resulting from activities to include, but not limited to, construction, drilling, trenching, mechanical equipment, and development;
- (b) Angling - taking of aquatic animal life with a hook;
- (c) Aquatic Life - includes all aquatic animals and aquatic plants;
- (d) Coral - any live or dead member or part thereof of the Phylum Cnidaria that form calcareous skeletons, spicules, or sclerites (including soft and hard corals both hermatypic and ahermatypic) or exist as sessile, solitary, or colonial polyps. Those members include, but are not limited to, all stony corals (Scleractinia), fire corals (Milleporina), hydrocorals (Stylasterina), soft corals (Alcyonacea), blue corals (Coenothecalia), organpipe corals and relatives (Stononifera) sea fans (Gorgonacea), black corals (Antipatharia), and sea anemones (Order Actinaria, Ceriantharia, and Zoanthidea);
- (e) Firearm - any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannons, submachine guns, powerheads, and bangsticks. The specific mention of certain weapons does not exclude from this definition other weapons operated by explosives;
- (f) *Fish - any aquatic animal life, including, but not limited to, oysters, clams, mollusks, mussels, crustaceans, other shellfish, and coral;*
- (g) Fish Weir - an apparatus for catching fish, consisting of a pocket or trap, with one or more wings or leaders, or both. Any reference to a fish weir in this Article includes any part or component thereof, including any pole, support, net, brush, wire, mesh, rope, or other item or material. For the purpose of this Article, there are two (2) types of fish weirs:
 - (1) Main weir means the central pocket or trap of any fish weir and its leader (main entrance) and wings (side entrance); and
 - (2) Auxiliary weir means any supplementary trap or pocket and its leader and wings which are attached to the leader or wings of a main weir;
- (h) *Game - all native or introduced species of wild birds and wild or feral animals;*
- (i) Juvenile Goatfish (Ti'ão)- is defined as fish within the family Mullidae (Goatfishes) that are four (4) inches (100 mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length);
- (j) Juvenile Jacks (I'e')- is defined as fish within the family Carangidae (Jacks) that are four (4) inches (100 mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length);
- (k) Juvenile Rabbitfish (Mañâhak) - is defined as fish within the family Siganidae (Rabbitfishes) that are

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three (3) inches (76 mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length);

- (l) Mangroves - are defined as plants growing in soils with a high salt content and/or possess a well-developed system of conducting tissue to transport water, mineral salts, and sugars that occur in estuarine-tidal flat areas to include, but not limited to, species in the family Rhizophoraceae;
- (m) Marine Preserve - is defined as a delineated area in which certain activities or uses are permanently restricted or prohibited;
- (n) Resource - is defined as any non-living, or living entity;
- (o) Rock - is defined as any hard material larger than sand size grains made from a mineral or petrified mass including, but not limited to, coral skeleton that has been weathered to form limestone;
- (p) Sand - is defined as any loose grainy non-living material formed from the erosion of rocks, skeletal material and/or calcium carbonate formations;
- (q) Seagrass - is defined as any species of marine angiosperms (flowering plants) to include, but not limited to, species in the families Hydrocharitaceae and Potamogetonaceae;
- (r) *Snagging* - is defined as fishing in a manner with jerking motions with hooks and line in an attempt to pierce the body of the fish externally;
- (s) *Take* - is defined as hunt, pursue, catch, capture, angle, seize, kill, trap, harm, shoot in any way or by any agency or device; every attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts;
- (t) *Traditional Fishing Methods* - is defined as subsistence-level cultural fishing practices in which the catch is not marketed, but rather is shared within the family or community for purposes of home consumption. Traditional methods most commonly include, but are not necessarily limited to:
 - (1) cast net (*talåya*);
 - (2) drag net/seine (*chenchulon ma hålla*);
 - (3) surround net (*chenchulon ma sugon*);
 - (4) trap net (*chenchulon ma mongle*); and
 - (5) butterfly net (*chenchulon ababbang*).
- (u) Vehicle - is defined as including every description of carriage or other contrivance used, or capable of being used, as means of transportation on, below, or above the land, including boat trailers, but does not include aircraft;
- (v) Vessel - is defined as including every description of watercraft or other contrivance used, or capable of being used, as means of transportation in water; and
- (w) Waters of Guam - is defined as that area of shore and waters seaward of the mean high water line (mark) to the outermost limits of Guam's exclusive economic zone as provided by 1 GCA § 402(a).
- (x) Ray is defined as animals in the Order Myliobatiformes, including, but not limited to, Eagle Rays (*Aetobatus narinari*), Manta Rays (*Manta birostris*) and Blue-spotted Rays (*Taeniura lymma*).
- (y) Shark is defined as an animal commonly known as a shark and includes all animals in the Orders Hexanchiformes, Pristiophoriformes, Squaliformes, Squatiniforms, Heterodontiformes, Orectolobiformes, Lamniformes and Carcharhiniformes.
- (z) Shark Fin is defined, for the purpose of this Act, as the fin or tail of a shark that has been removed from the body.
- (aa) Ray Part is defined as any part of a ray.
- (bb) Shark Finning is defined as the taking of a shark, removing the fin or fins (whether or not including the

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tail) of a shark, and returning the remainder of the shark to the sea.

(cc) Community-Based Fisheries Management - a system in which fishermen and their communities exercise primary responsibility for stewardship and fisheries management, to include taking part in the decision-making on all aspects of fisheries management, such as harvesting, access, compliance, research, and marketing.

(dd) SCUBA Diving - is defined as a form of underwater diving in which a diver uses any apparatus or device that contains compressed air or a mixture of air and gas; including, but not limited to, SCUBA (self-contained underwater breathing apparatus), Nitrox, and surface supplied air, and rebreathers.

5 GUAM CODE § 63104. Taking fish with explosives.

It shall be unlawful to take any fish using dynamite or any other explosives.

5 GUAM CODE § 63105. Use of explosives unlawful.

It shall be unlawful for any person to throw, drop or explode any dynamite or other explosive, or cause to be thrown, dropped or exploded any dynamite or other explosive in any waters of Guam whether done for the purpose of taking fish or not, except as may be authorized pursuant to regulations.

5 GUAM CODE § 63106. Taking fish by means of poisonous or intoxicating substances unlawful.

It shall be unlawful for any person to take any fish by means of any substance which has a poisonous or intoxicating effect upon fish.

5 GUAM CODE § 63107. Use of poison or intoxicating substance unlawful.

It shall be unlawful for any person to deposit, throw, drop or discharge, or cause to be deposited, thrown, dropped or discharged in any manner in the waters of Guam any substance which has a poisonous or intoxicating effect upon fish whether done for the purpose of taking fish or not.

5 GUAM CODE § 63108. Use of electrical devices.

It shall be unlawful for any person to take fish by means of any device which operates by shocking with an electric current (either AC or DC).

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5 GUAM CODE § 63111. Fishing equipment and methods.

The use of nets, flails, hooks and other devices and methods which may result in the taking of, or damage to, fish in violation of regulations governing fishing shall be unlawful.

5 GUAM CODE § 63112. Fishing with gill nets (tekin).

- (a) It shall be unlawful to abandon or discard a gill net in the waters of Guam.
- (b) It shall be unlawful to leave a gill net, whether attended or unattended, in the waters of Guam for more than six (6) consecutive hours. For the purposes of this Section, the six (6) hour consecutive period continues to run if the gill net is not moved at least fifty (50) yards within a six (6) hour period from the time of its initial placement in the waters of Guam.
- (c) It shall be unlawful to use a gill net with a length greater than one thousand (1,000) feet and no person shall intentionally set a net to drift in the waters of Guam.
- (d) *No person other than an individual engaged in traditional fishing methods as that term is defined by Section 63101(h) of this Chapter, or engaged in fishing for scientific purposes as permitted by the Division of Aquatic and Wildlife Resources of the Department of Agriculture shall take marine life with a gill net, including pelagic drift nets.*

5 GUAM CODE § 63114. Illegally taken fish.

It shall be unlawful for any person knowingly to take, buy, sell, transport or possess any fish, or any part thereof, contrary to the provisions of this Article or regulations made under § 63127.

5 GUAM CODE § 63120. Protection of wild birds.

It shall be unlawful for any person to take, buy, sell, transport or possess any wild bird, or any part thereof, or wild bird eggs, except as authorized in this Article or as authorized by regulations made under § 63127.

5 GUAM CODE § 63121. Protection of wild animals.

It shall be unlawful for any person to take, buy, sell, transport, or possess any wild or feral animal, or any part thereof, except as authorized in this Article or as authorized by regulations made under 5 GCA §§ 62104, 62104.3(i), and 63127.

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5 GUAM CODE § 63129. Penalty.

- (a) *Any person violating § 63104, § 63105, § 63106, § 63107, § 63108, § 63114.1, § 63114.2, or § 63116.3 of this Article is guilty of a felony punishable by imprisonment of not more than five (5) years, or by a fine of not less than Five Hundred Dollars (\$500), nor more than Five Thousand Dollars (\$5,000), or by both, per violation.*
- (b) Any person violating § 63114.3 of this Chapter or any rule adopted thereunder shall be subject to:
- (1) seizure and forfeiture of a commercial marine license, vessel, or shark feeding equipment; and
 - (2) an administrative fine of at least Twenty-five Thousand Dollars (\$25,000) per violation; provided, that the violator may be assessed administrative fees and costs and attorneys' fees and costs.
- (c) Any person violating § 63606.1 or § 63606.2 of this Chapter shall be guilty of a felony, and upon conviction thereof may be imprisoned for not more than five (5) years, or fined not more than One Hundred Thousand Dollars (\$100,000), or both.
- (d) *A violation of any other provision of this Article or its supporting regulations shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500), or by imprisonment of not more than ninety (90) days, or by both fine and imprisonment.* In addition, all pelagic drift nets or their components, equipment for their manufacture, containers for such nets, fish or fish products gathered through the use of a pelagic drift net, and all conveyances including aircraft, vehicles and vessels used for their transport shall be subject to forfeiture, and may be seized by an authorized government of Guam official under process issued by the Superior Court, except that such seizure without such process may be made when the seizure is incidental to an arrest or a search pursuant to a search warrant, or as provided by § 63128 of this Article.

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8. CROSS REPORTING

9 GUAM CODE § 70.75. Pre-trial provisions.

(a) Reporting and Immunity.

(1) *The following designees, having a good-faith belief that any animal with whom the designee comes in contact has suffered a violation of this Article or that any person with whom the designee comes in contact has committed a violation of this Article, may report, or cause a report to be made to the Animal Control Division of the Department of Agriculture:*

(A) a police officer; or

(B) a licensed social worker.

(2) *Any designee making a report under this Subsection shall not be required to report such information communicated by a person if the communication is privileged under Guam law.*

(3) *Any designee making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.*

(b) Law Enforcement Policies.

(1) All officers as defined in § 70.15 of this Article have the duty and responsibility to enforce this Article to the extent authorized by law.

(2) All volunteer animal control officers, volunteer conservation officers, or similar volunteer law enforcement officers, whose positions are established by the government of Guam, have the duty and responsibility to enforce this Article to the extent authorized by law.

(c) Seizure.

(1) **Search and Seizure With a Warrant.** If there is probable cause to believe that an animal is being subjected to treatment in violation of this Article, an officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal.

(2) **Search and Seizure Without a Warrant.** If an officer witnesses a situation in which the officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The officer shall immediately take an animal seized under this Subsection to a licensed veterinarian or animal shelter for medical attention to stabilize the animal's condition and to assess the health of the animal.

(3) Any person or facility receiving an animal seized pursuant to this Subsection shall provide the animal with minimum care.

(4) An officer shall not be liable for any damages for an entry under this Subsection.

(5) Any guardian of an animal that is impounded pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The written notice shall be posted at the place of seizure, or delivered to an employee at the place of impoundment, or by registered mail if the guardian is known.

(6) The guardian from whom an animal is seized pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The notice shall, at a minimum, be given by posting at the place of

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seizure, or by delivery to a person residing or working at the place of seizure, or by certified mail. Such notice shall include:

- (A) the name, business address, and telephone number of the law enforcement entity responsible for seizing the animal;
- (B) a description of the seized animal;
- (C) the authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized; and
- (D) a statement that the guardian is responsible for the cost of care for an animal who was lawfully seized, and that the guardian will be required to post a bond with the court to defray the cost of care or the animal will be deemed forfeited.

(d) Costs-of-Care Bonds.

- (1) An animal that has been impounded pending outcome of a criminal case, including charges under this Article, may prevent disposition of the animal by a caregiving agency that has temporary custody of the animal by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty (30) days, including the day on which the animal was taken into custody.
 - (A) Such bond shall be filed with the court within ten (10) days after the animal is impounded. If a bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the owner, guardian, or person in possession of an animal, desires to prevent disposition of the animal by the custodial caregiving agency, a new bond shall be posted with the court within ten (10) days following the prior bond's expiration.
 - (B) If a new bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.
 - (C) However, nothing in this Subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.
- (2) If a bond has been posted in accordance with Subsection (d)(1) of this Section, the custodial caregiving agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the seized animal from the date of initial seizure to the date of final disposition of the animal in the criminal action.

(b) Protective Orders.

- (1) A mandatory restraining order is created against any person charged with a felony under this Article.
- (2) The order may remain in effect from the time that the defendant is advised of their rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.
- (3) The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:

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- (A) any animal(s) victimized by the acts charged;
 - (B) any guardian or owner, other than the defendant, of such animal(s); or
 - (C) any witness to the acts charged.
- (4) Any restraining order issued pursuant to Subsection (e) of this Section, shall be on a standardized form prescribed by the Superior Court of Guam.
 - (5) A copy of the restraining order shall be provided to the protected parties.
 - (6) The court may include an animal in any protective order authorized by this Article.

9 GUAM CODE § 70.35. Animal fighting.

- (a) No person shall cause, sponsor, aid, abet, arrange, hold, or encourage any animal to fight, menace, or injure another animal for the purpose of sport, amusement, or pecuniary gain. This Section does not apply to cockfighting that is authorized by law.
- (b) For the purposes of this Section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:
 - (1) is knowingly present at or wagers on such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;
 - (2) owns, trains, transports, possesses, has custody or control of, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;
 - (3) knowingly allows any such occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;
 - (4) knowingly allows any animal to be used for such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by the person;
 - (5) knowingly advertises or uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or
 - (6) knowingly possesses, owns, buys, sells, transfers, or manufactures any animal used for fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to train or enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.
- (c) Any violation of Subsection (a) of this Section shall constitute Animal Fighting, which is a third degree felony.
- (d) Notwithstanding any other provision of law, the penalty for violations of Subsection (a) of this Section shall be confinement in a correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a fine of not less than Five Thousand Dollars (\$5,000) and no more than Fifteen Thousand Dollars (\$15,000) or both per violation. Additionally, any person convicted of any violation of this Section may be subject to seizure of any personal property, including vehicles, and real property at which the animal fight was staged.
- (e) Nothing in this Section shall constitute a prohibition or ban on the possession, lawful

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importation/exportation, breeding or selling of any breed of dog.

- (f) *Veterinarians and/or physicians and/or health professionals are required to report suspected animal fighting incidents, excluding cockfighting as authorized by law, that come to their attention through the provision of medical services to an animal to the Guam Police Department within five (5) days of learning of animal fighting incidents. Failure to do so shall result in potential loss of licensure if deemed appropriate by the appropriate licensure agencies. Any veterinarians, physicians, or health professionals making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.*

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9. VETERINARY REPORTING

9 GUAM CODE § 70.35. Animal fighting.

- (a) No person shall cause, sponsor, aid, abet, arrange, hold, or encourage any animal to fight, menace, or injure another animal for the purpose of sport, amusement, or pecuniary gain. This Section does not apply to cockfighting that is authorized by law.
- (b) For the purposes of this Section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:
 - (1) is knowingly present at or wagers on such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;
 - (2) owns, trains, transports, possesses, has custody or control of, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;
 - (3) knowingly allows any such occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;
 - (4) knowingly allows any animal to be used for such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by the person;
 - (5) knowingly advertises or uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or
 - (6) knowingly possesses, owns, buys, sells, transfers, or manufactures any animal used for fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to train or enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.
- (c) Any violation of Subsection (a) of this Section shall constitute Animal Fighting, which is a third degree felony.
- (d) Notwithstanding any other provision of law, the penalty for violations of Subsection (a) of this Section shall be confinement in a correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a fine of not less than Five Thousand Dollars (\$5,000) and no more than Fifteen Thousand Dollars (\$15,000) or both per violation. Additionally, any person convicted of any violation of this Section may be subject to seizure of any personal property, including vehicles, and real property at which the animal fight was staged.
- (e) Nothing in this Section shall constitute a prohibition or ban on the possession, lawful importation/exportation, breeding or selling of any breed of dog.
- (f) *Veterinarians and/or physicians and/or health professionals are required to report suspected animal fighting incidents, excluding cockfighting as authorized by law, that come to their attention through the provision of medical services to an animal to the Guam Police Department within five (5) days of learning of animal fighting incidents. Failure to do so shall result in potential loss of licensure if deemed appropriate by the appropriate licensure agencies. Any veterinarians, physicians, or health professionals*

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making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

[None]

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12. CIVIL ENFORCEMENT

[None]

ANIMAL PROTECTION LAWS OF GUAM**13. DOMESTIC VIOLENCE AND PROTECTION ORDERS****9 GUAM CODE § 70.75. Pre-trial provisions.**

(a) Reporting and Immunity.

- (1) The following designees, having a good-faith belief that any animal with whom the designee comes in contact has suffered a violation of this Article or that any person with whom the designee comes in contact has committed a violation of this Article, may report, or cause a report to be made to the Animal Control Division of the Department of Agriculture:
 - (A) a police officer; or
 - (B) a licensed social worker.
- (2) Any designee making a report under this Subsection shall not be required to report such information communicated by a person if the communication is privileged under Guam law.
- (3) Any designee making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

(b) Law Enforcement Policies.

- (1) All officers as defined in § 70.15 of this Article have the duty and responsibility to enforce this Article to the extent authorized by law.
- (2) All volunteer animal control officers, volunteer conservation officers, or similar volunteer law enforcement officers, whose positions are established by the government of Guam, have the duty and responsibility to enforce this Article to the extent authorized by law.

(c) Seizure.

- (1) Search and Seizure With a Warrant. If there is probable cause to believe that an animal is being subjected to treatment in violation of this Article, an officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal.
- (2) Search and Seizure Without a Warrant. If an officer witnesses a situation in which the officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The officer shall immediately take an animal seized under this Subsection to a licensed veterinarian or animal shelter for medical attention to stabilize the animal's condition and to assess the health of the animal.
- (3) Any person or facility receiving an animal seized pursuant to this Subsection shall provide the animal with minimum care.
- (4) An officer shall not be liable for any damages for an entry under this Subsection.
- (5) Any guardian of an animal that is impounded pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The written notice shall be posted at the place of seizure, or delivered to an employee at the place of impoundment, or by registered mail if the guardian is known.
- (6) The guardian from whom an animal is seized pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The notice shall, at a minimum, be given by posting at the place of

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seizure, or by delivery to a person residing or working at the place of seizure, or by certified mail. Such notice shall include:

- (A) the name, business address, and telephone number of the law enforcement entity responsible for seizing the animal;
- (B) a description of the seized animal;
- (C) the authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized; and
- (D) a statement that the guardian is responsible for the cost of care for an animal who was lawfully seized, and that the guardian will be required to post a bond with the court to defray the cost of care or the animal will be deemed forfeited.

(d) Costs-of-Care Bonds.

- (1) An animal that has been impounded pending outcome of a criminal case, including charges under this Article, may prevent disposition of the animal by a caregiving agency that has temporary custody of the animal by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty (30) days, including the day on which the animal was taken into custody.
 - (A) Such bond shall be filed with the court within ten (10) days after the animal is impounded. If a bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the owner, guardian, or person in possession of an animal, desires to prevent disposition of the animal by the custodial caregiving agency, a new bond shall be posted with the court within ten (10) days following the prior bond's expiration.
 - (B) If a new bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.
 - (C) However, nothing in this Subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.
- (2) If a bond has been posted in accordance with Subsection (d)(1) of this Section, the custodial caregiving agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the seized animal from the date of initial seizure to the date of final disposition of the animal in the criminal action.

(e) Protective Orders.

- (1) *A mandatory restraining order is created against any person charged with a felony under this Article.*
- (2) *The order may remain in effect from the time that the defendant is advised of their rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.*
- (3) *The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:*

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- (A) any animal(s) victimized by the acts charged;*
 - (B) any guardian or owner, other than the defendant, of such animal(s); or*
 - (C) any witness to the acts charged.*
- (4) Any restraining order issued pursuant to Subsection (e) of this Section, shall be on a standardized form prescribed by the Superior Court of Guam.*
- (5) A copy of the restraining order shall be provided to the protected parties.*
- (6) The court may include an animal in any protective order authorized by this Article.*

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

8 GUAM CODE § 10.20. Statute of limitations of felonies.

- (a) A prosecution of murder shall have no statute of limitation;
- (b) A prosecution of criminal sexual conduct involving persons under the age of consent shall be in accordance with § 10.15 of this Title;
- (c) A prosecution for any other felony shall be commenced within three (3) years after it is committed.

8 GUAM CODE § 10.30. All other non-felonies limitations.

A prosecution for any offense which is not a felony shall be commenced within (1) year after it is committed.

9 GUAM CODE § 80.30. Duration of imprisonment.

Except as otherwise provided by law, a person who has been convicted of a felony may be sentenced to imprisonment as follows:

- (a) In the case of a felony of the first degree, the court shall impose a sentence of not less than five (5) years and not more than twenty (20) years;
- (b) In the case of a felony of the second degree, the court shall impose a sentence of not less than three (3) years and not more than ten (10) years; and
- (c) *In the case of a felony of the third degree, the court may impose a sentence of not more than five (5) years.*

9 GUAM CODE § 80.31. Prison terms for first offenders.

In the cases to which § 80.30 is applicable as to the sentencing of the person, a person who has not previously been convicted of a criminal offense and has been convicted of a felony for the first time may be sentenced to imprisonment as follows:

- (a) In the case of a felony of the first degree, the court shall impose a sentence of not less than three (3) years and not more than fifteen (15) years;
- (b) In the case of a felony of the second degree, the court shall impose a sentence of not less than one (1) year and not more than eight (8) years; and
- (c) *In the case of a felony of the third degree, the court may impose a sentence of not more than three (3) years.*

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9 GUAM CODE § 80.34. Misdemeanor & petty misdemeanor sentences.

Except as otherwise provided by § 80.36, *a person who has been convicted of a misdemeanor or a petty misdemeanor may be sentenced to imprisonment, as follows:*

- (a) *in the case of a misdemeanor, the court shall set a maximum term not to exceed one (1) year;*
- (b) *in the case of a petty misdemeanor, the court shall set a definite term not to exceed sixty (60) days.*

9 GUAM CODE § 80.50. Fines & restitution as sentence allowed: Limited.

A person who has been convicted of an offense may be sentenced to pay a fine or to make restitution not exceeding:

- (a) *Ten Thousand Dollars (\$10,000.00), when the conviction is of a felony of the first or second degree;*
- (b) *Five Thousand Dollars (\$5,000.00), when the conviction is of a felony of the third degree;*
- (c) *One Thousand Dollars (\$1,000.00), when the conviction is of a misdemeanor;*
- (d) *Five Hundred Dollars (\$500.00), when the conviction is of a petty misdemeanor or violation;*
- (e) *Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this Section, the term “gain” means the amount of money or the value of the property derived by the offender and the term “loss” means the amount of value separated from the victim;*
- (f) *Any amount specifically authorized by statute. The restitution ordered paid to the victim shall not exceed his loss.*

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15. LAW ENFORCEMENT POLICIES

9 GUAM CODE § 70.75. Pre-trial provisions.

(a) Reporting and Immunity.

- (1) The following designees, having a good-faith belief that any animal with whom the designee comes in contact has suffered a violation of this Article or that any person with whom the designee comes in contact has committed a violation of this Article, may report, or cause a report to be made to the Animal Control Division of the Department of Agriculture:
 - (A) a police officer; or
 - (B) a licensed social worker.
- (2) Any designee making a report under this Subsection shall not be required to report such information communicated by a person if the communication is privileged under Guam law.
- (3) Any designee making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

(b) Law Enforcement Policies.

- (1) *All officers as defined in § 70.15 of this Article have the duty and responsibility to enforce this Article to the extent authorized by law.*
- (2) *All volunteer animal control officers, volunteer conservation officers, or similar volunteer law enforcement officers, whose positions are established by the government of Guam, have the duty and responsibility to enforce this Article to the extent authorized by law.*

(c) Seizure.

- (1) Search and Seizure With a Warrant. If there is probable cause to believe that an animal is being subjected to treatment in violation of this Article, an officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal.
- (2) Search and Seizure Without a Warrant. If an officer witnesses a situation in which the officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The officer shall immediately take an animal seized under this Subsection to a licensed veterinarian or animal shelter for medical attention to stabilize the animal's condition and to assess the health of the animal.
- (3) Any person or facility receiving an animal seized pursuant to this Subsection shall provide the animal with minimum care.
- (4) An officer shall not be liable for any damages for an entry under this Subsection.
- (5) Any guardian of an animal that is impounded pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The written notice shall be posted at the place of seizure, or delivered to an employee at the place of impoundment, or by registered mail if the guardian is known.
- (6) The guardian from whom an animal is seized pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The notice shall, at a minimum, be given by posting at the place of

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seizure, or by delivery to a person residing or working at the place of seizure, or by certified mail. Such notice shall include:

- (A) the name, business address, and telephone number of the law enforcement entity responsible for seizing the animal;
- (B) a description of the seized animal;
- (C) the authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized; and
- (D) a statement that the guardian is responsible for the cost of care for an animal who was lawfully seized, and that the guardian will be required to post a bond with the court to defray the cost of care or the animal will be deemed forfeited.

(d) Costs-of-Care Bonds.

- (1) An animal that has been impounded pending outcome of a criminal case, including charges under this Article, may prevent disposition of the animal by a caregiving agency that has temporary custody of the animal by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty (30) days, including the day on which the animal was taken into custody.
 - (A) Such bond shall be filed with the court within ten (10) days after the animal is impounded. If a bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the owner, guardian, or person in possession of an animal, desires to prevent disposition of the animal by the custodial caregiving agency, a new bond shall be posted with the court within ten (10) days following the prior bond's expiration.
 - (B) If a new bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.
 - (C) However, nothing in this Subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.
- (2) If a bond has been posted in accordance with Subsection (d)(1) of this Section, the custodial caregiving agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the seized animal from the date of initial seizure to the date of final disposition of the animal in the criminal action.

(c) Protective Orders.

- (1) A mandatory restraining order is created against any person charged with a felony under this Article.
- (2) The order may remain in effect from the time that the defendant is advised of their rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.
- (3) The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:

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- (A) any animal(s) victimized by the acts charged;
 - (B) any guardian or owner, other than the defendant, of such animal(s); or
 - (C) any witness to the acts charged.
- (4) Any restraining order issued pursuant to Subsection (e) of this Section, shall be on a standardized form prescribed by the Superior Court of Guam.
- (5) A copy of the restraining order shall be provided to the protected parties.
- (6) The court may include an animal in any protective order authorized by this Article.

10 GUAM CODE § 34101. Definitions.

For purposes of this Article:

- (a) “Euthanasia” means putting an animal to death by drug in a manner provided by regulation of the Department of Agriculture (the Department).
- (b) “Impoundment” means strict confinement under restraint by leash, cage or paddock upon premises specified by order of the Director of Agriculture (the “Director”).
- (c) “Officer” means a member of the Guam Police Department, a Mayor of Guam, or a person authorized by the Director.
- (d) “Person” means any natural person, association, partnership, firm, corporation or any government entity.
- (e) “Pet” means a cat or dog.
- (f) “Pet owner” means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any pet to remain on premises occupied by that person or legal entity.
- (g) “Running at large” means any dog that
 - (1) is not restrained on private property in a manner that physically prevents the dog from leaving that property or reaching any public areas; or
 - (2) when on public property, or any public area, is not restrained by a leash, tether or other physical control device not to exceed eight (8) feet in length and under the physical control of a capable person.
- (h) “Unlicensed pet” means any pet not exempted under the provisions of this Article for which the license for the current year has not been issued or to which the license tag is not attached.
- (i) “Department” means the Department of Agriculture.
- (j) “Director” means the Director of Agriculture.

10 GUAM CODE § 34121. Authority of officers.

- (a) *All officers shall have authority as peace officer to the extent necessary to enable them to discharge all duties assigned to them by law.*
- (b) Any officer is authorized to enter upon any private premises, and is authorized to remove any pet from public or private property, if that officer has reason to believe that the pet or its owner is in violation of any provisions of this Chapter. Any pet so removed shall be impounded and delivered to the pound.
- (c) *Any officer may issue a citation of violation as provided in §§ 25.10 through 25.50 of Title 8, Guam Code*

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Annotated.

10 GUAM CODE § 34209. Authority of officers and director.

- (a) *Any peace officer may issue a citation of violation as provided in Title 8 GCA §§ 25.10 through 25.50.*
- (b) The Director may impound any pet or wild animal that is the subject of a violation of this Article, any pet or wild animal that requires protective custody and care because of mistreatment or neglect by its owner, or a pet or wild animal that the Superior Court orders him to impound.
- (c) The Director may authorize the destruction of the animal, or may return a pet to its owner or may order the animal given up for adoption, or make any other disposition as the Director determines is required by this Article and by the best interests of the animal and the public. The Director may assess a per diem fee based on the facility's operating costs to anyone who receives the animal.

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16. SEIZURE

9 GUAM CODE § 70.35. Animal fighting.

- (a) No person shall cause, sponsor, aid, abet, arrange, hold, or encourage any animal to fight, menace, or injure another animal for the purpose of sport, amusement, or pecuniary gain. This Section does not apply to cockfighting that is authorized by law.
- (b) For the purposes of this Section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:
 - (1) is knowingly present at or wagers on such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;
 - (2) owns, trains, transports, possesses, has custody or control of, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain;
 - (3) knowingly allows any such occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;
 - (4) knowingly allows any animal to be used for such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by the person;
 - (5) knowingly advertises or uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or
 - (6) knowingly possesses, owns, buys, sells, transfers, or manufactures any animal used for fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to train or enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.
- (c) Any violation of Subsection (a) of this Section shall constitute Animal Fighting, which is a third degree felony.
- (d) Notwithstanding any other provision of law, the penalty for a violation of Subsection (a) of this Section shall be confinement in a correctional facility in accordance with Article 2 of 9 GCA Chapter 80 and a fine of not less than Five Thousand Dollars (\$5,000) and no more than Fifteen Thousand Dollars (\$15,000), or both, per violation. *Additionally, any person convicted of any violation of this Section may be subject to seizure of any personal property, including vehicles, and real property at which the animal fight was staged.*
- (e) Nothing in this Section shall constitute a prohibition or ban on the possession, lawful importation/exportation, breeding, or selling of any breed of dog.
- (f) Veterinarians and/or physicians and/or health professionals are required to report suspected animal fighting incidents, excluding cockfighting as authorized by law, that come to their attention through the provision of medical services to an animal to the Guam Police Department within five (5) days of learning of animal fighting incidents. Failure to do so shall result in potential loss of licensure if deemed appropriate by the appropriate licensure agencies. Any veterinarians, physicians, or health

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professionals making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

9 GUAM CODE § 70.60. Leaving animals unattended in motor vehicles; penalty; authority of officers.

- (a) For the purposes of this Section:
- (1) Vehicle means a car, truck, camper, trailer, or other form of transportation in which an animal can be transported.
 - (2) Extreme temperature means an extremely cold or high temperature, inside or outside of a vehicle, that could endanger an animal's health, safety, or well-being.
- (b) A person shall not confine an animal in a vehicle in a manner that could reasonably be expected to threaten the health, safety, and well-being of the animal due to conditions that include, but are not limited to, extreme temperatures, lack of adequate ventilation, lack of food or water, or confinement with a vicious or dangerous animal, or other circumstances that could reasonably be expected to cause suffering, disability, physical injury, or death to the animal.
- (c) *After making reasonable efforts to locate the vehicle's owner, an animal control officer, peace officer, law enforcement officer, or firefighter may enter a vehicle by any reasonable means to protect the health, safety and well-being of an animal who is endangered by confinement in a vehicle. A peace officer, law enforcement officer, animal control officer, or firefighter may enter the vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.*
- (d) *An animal control officer, peace officer, law enforcement officer, or firefighter who removes or otherwise retrieves an animal under this Section shall:*
- (1) *leave written notice in a secure and conspicuous location on or in the vehicle bearing the officer's or firefighter's name and title, and the address of the location where the animal may be retrieved; and*
 - (2) *take the animal to a veterinary clinic or animal shelter for a health screening and treatment.*
- (e) *An animal control officer, peace officer, law enforcement officer, or firefighter who removes or otherwise retrieves an animal from a vehicle under this Section shall be immune from criminal or civil liability that might otherwise result from the removal.*
- (f) Penalties.
- (1) A person in violation of Subsection (b) of this Section shall be subject to a fine of not more than Five Hundred Dollars (\$500).
 - (2) The owner may retrieve the animal removed by an officer or firefighter only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

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9 GUAM CODE § 70.75. Pre-trial provisions.

(a) Reporting and Immunity.

- (1) The following designees, having a good-faith belief that any animal with whom the designee comes in contact has suffered a violation of this Article or that any person with whom the designee comes in contact has committed a violation of this Article, may report, or cause a report to be made to the Animal Control Division of the Department of Agriculture:
 - (A) a police officer; or
 - (B) a licensed social worker.
- (2) Any designee making a report under this Subsection shall not be required to report such information communicated by a person if the communication is privileged under Guam law.
- (3) Any designee making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

(b) Law Enforcement Policies.

- (1) All officers as defined in § 70.15 of this Article have the duty and responsibility to enforce this Article to the extent authorized by law.
- (2) All volunteer animal control officers, volunteer conservation officers, or similar volunteer law enforcement officers, whose positions are established by the government of Guam, have the duty and responsibility to enforce this Article to the extent authorized by law.

(c) Seizure.

- (1) *Search and Seizure With a Warrant. If there is probable cause to believe that an animal is being subjected to treatment in violation of this Article, an officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal.*
- (2) *Search and Seizure Without a Warrant. If an officer witnesses a situation in which the officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The officer shall immediately take an animal seized under this Subsection to a licensed veterinarian or animal shelter for medical attention to stabilize the animal's condition and to assess the health of the animal.*
- (3) *Any person or facility receiving an animal seized pursuant to this Subsection shall provide the animal with minimum care.*
- (4) *An officer shall not be liable for any damages for an entry under this Subsection.*
- (5) *Any guardian of an animal that is impounded pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The written notice shall be posted at the place of seizure, or delivered to an employee at the place of impoundment, or by registered mail if the guardian is known.*
- (6) *The guardian from whom an animal is seized pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The notice shall, at a minimum, be given by posting at the place of seizure, or by delivery to a person residing or working at the place of seizure, or by certified mail. Such notice shall include:*

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- (A) *the name, business address, and telephone number of the law enforcement entity responsible for seizing the animal;*
- (B) *a description of the seized animal;*
- (C) *the authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized; and*
- (D) *a statement that the guardian is responsible for the cost of care for an animal who was lawfully seized, and that the guardian will be required to post a bond with the court to defray the cost of care or the animal will be deemed forfeited.*

(d) Costs-of-Care Bonds.

- (1) An animal that has been impounded pending outcome of a criminal case, including charges under this Article, may prevent disposition of the animal by a caregiving agency that has temporary custody of the animal by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty (30) days, including the day on which the animal was taken into custody.
 - (A) Such bond shall be filed with the court within ten (10) days after the animal is impounded. If a bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the owner, guardian, or person in possession of an animal, desires to prevent disposition of the animal by the custodial caregiving agency, a new bond shall be posted with the court within ten (10) days following the prior bond's expiration.
 - (B) If a new bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.
 - (C) However, nothing in this Subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.
- (2) If a bond has been posted in accordance with Subsection (d)(1) of this Section, the custodial caregiving agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the seized animal from the date of initial seizure to the date of final disposition of the animal in the criminal action.

(f) Protective Orders.

- (1) A mandatory restraining order is created against any person charged with a felony under this Article.
- (2) The order may remain in effect from the time that the defendant is advised of their rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.
- (3) The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:
 - (A) any animal(s) victimized by the acts charged;
 - (B) any guardian or owner, other than the defendant, of such animal(s); or

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(C) any witness to the acts charged.

- (4) Any restraining order issued pursuant to Subsection (e) of this Section, shall be on a standardized form prescribed by the Superior Court of Guam.
- (5) A copy of the restraining order shall be provided to the protected parties.
- (6) The court may include an animal in any protective order authorized by this Article.

10 GUAM CODE § 34117. Impoundment.

The Director may impound and hold at the facility any pet that is the subject of a violation of this Article, any pet that requires protective custody and care because of mistreatment or neglect by its owner, or a pet that the Superior Court orders him to impound. The Director may authorize the destruction of the impounded pet as provided in this Article, or may return the pet to its owner, or may order the pet given up for adoption, as the Director determines to be in the best interests of the pet and the public. The owners of any pets returned to them shall be assessed a per diem fee for the animal's care based on the facility's operating costs.

10 GUAM CODE § 34121. Authority of officers.

- (a) All officers shall have authority as peace officer to the extent necessary to enable them to discharge all duties assigned to them by law.
- (b) *Any officer is authorized to enter upon any private premises, and is authorized to remove any pet from public or private property, if that officer has reason to believe that the pet or its owner is in violation of any provisions of this Chapter. Any pet so removed shall be impounded and delivered to the pound.*
- (c) Any officer may issue a citation of violation as provided in §§ 25.10 through 25.50 of Title 8, Guam Code Annotated.

10 GUAM CODE § 34209. Authority of officers and director.

- (a) Any peace officer may issue a citation of violation as provided in Title 8 GCA §§ 25.10 through 25.50.
- (b) *The Director may impound any pet or wild animal that is the subject of a violation of this Article, any pet or wild animal that requires protective custody and care because of mistreatment or neglect by its owner, or a pet or wild animal that the Superior Court orders him to impound.*
- (c) The Director may authorize the destruction of the animal, or may return a pet to its owner or may order the animal given up for adoption, or make any other disposition as the Director determines is required by this Article and by the best interests of the animal and the public. The Director may assess a per diem fee based on the facility's operating costs to anyone who receives the animal.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

9 GUAM CODE § 70.75. Pre-trial provisions.

(a) Reporting and Immunity.

- (1) The following designees, having a good-faith belief that any animal with whom the designee comes in contact has suffered a violation of this Article or that any person with whom the designee comes in contact has committed a violation of this Article, may report, or cause a report to be made to the Animal Control Division of the Department of Agriculture:
 - (A) a police officer; or
 - (B) a licensed social worker.
- (2) Any designee making a report under this Subsection shall not be required to report such information communicated by a person if the communication is privileged under Guam law.
- (3) Any designee making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

(b) Law Enforcement Policies.

- (1) All officers as defined in § 70.15 of this Article have the duty and responsibility to enforce this Article to the extent authorized by law.
- (2) All volunteer animal control officers, volunteer conservation officers, or similar volunteer law enforcement officers, whose positions are established by the government of Guam, have the duty and responsibility to enforce this Article to the extent authorized by law.

(c) Seizure.

- (1) Search and Seizure With a Warrant. If there is probable cause to believe that an animal is being subjected to treatment in violation of this Article, an officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal.
- (2) Search and Seizure Without a Warrant. If an officer witnesses a situation in which the officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The officer shall immediately take an animal seized under this Subsection to a licensed veterinarian or animal shelter for medical attention to stabilize the animal's condition and to assess the health of the animal.
- (3) Any person or facility receiving an animal seized pursuant to this Subsection shall provide the animal with minimum care.
- (4) An officer shall not be liable for any damages for an entry under this Subsection.
- (5) Any guardian of an animal that is impounded pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The written notice shall be posted at the place of seizure, or delivered to an employee at the place of impoundment, or by registered mail if the guardian is known.
- (6) The guardian from whom an animal is seized pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The notice shall, at a minimum, be given by posting at the place of

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seizure, or by delivery to a person residing or working at the place of seizure, or by certified mail. Such notice shall include:

- (A) the name, business address, and telephone number of the law enforcement entity responsible for seizing the animal;
- (B) a description of the seized animal;
- (C) the authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized; and
- (D) a statement that the guardian is responsible for the cost of care for an animal who was lawfully seized, and that the guardian will be required to post a bond with the court to defray the cost of care or the animal will be deemed forfeited.

(d) *Costs-of-Care Bonds.*

(1) *An animal that has been impounded pending outcome of a criminal case, including charges under this Article, may prevent disposition of the animal by a caregiving agency that has temporary custody of the animal by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty (30) days, including the day on which the animal was taken into custody.*

- (A) *Such bond shall be filed with the court within ten (10) days after the animal is impounded. If a bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the owner, guardian, or person in possession of an animal, desires to prevent disposition of the animal by the custodial caregiving agency, a new bond shall be posted with the court within ten (10) days following the prior bond's expiration.*
- (B) *If a new bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.*
- (C) *However, nothing in this Subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.*

(2) *If a bond has been posted in accordance with Subsection (d)(1) of this Section, the custodial caregiving agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the seized animal from the date of initial seizure to the date of final disposition of the animal in the criminal action.*

(f) *Protective Orders.*

- (1) A mandatory restraining order is created against any person charged with a felony under this Article.
- (2) The order may remain in effect from the time that the defendant is advised of their rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.
- (3) The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:

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- (A) any animal(s) victimized by the acts charged;
 - (B) any guardian or owner, other than the defendant, of such animal(s); or
 - (C) any witness to the acts charged.
- (4) Any restraining order issued pursuant to Subsection (e) of this Section, shall be on a standardized form prescribed by the Superior Court of Guam.
 - (5) A copy of the restraining order shall be provided to the protected parties.
 - (6) The court may include an animal in any protective order authorized by this Article.

9 GUAM CODE § 70.80. Sentencing provisions.

- (a) Community Service. In addition to any other sentence it may impose, the court may order the defendant to participate in community service. No such participation shall occur at any humane society, animal shelter, or other facility where an animal is present, unless first approved by said organization.
- (b) Evaluation & Treatment.
 - (1) In addition to any other sentence it may impose, the court shall order the defendant convicted of a felony crime under this Article to undergo a psychiatric, psychological, or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate care or treatment.
 - (2) Treatment may include, but is not limited to, counseling and humane education classes.
 - (3) Treatment may be conducted in-person or online.
 - (4) All costs of the evaluation, care and treatment shall be borne by the defendant. However, if the court determines that the defendant is indigent, the government of Guam may provide access to government funded or government contracted service providers, if available.
- (c) Education. The Department of Agriculture shall make available educational material and information regarding proper animal care and welfare to the defendant. At a minimum, such information shall be made available in printed form or online, as deemed appropriate by the Department of Agriculture.
- (d) Forfeiture. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to forfeit all legal interest of the defendant in the animal subjected to the violation. The court shall award all such interest to the animal to a caregiving agency.
- (e) Contact with Animals.
 - (1) In addition to any other penalty imposed by law, a court may require a defendant convicted of a felony under this Article to not own, possess, or have custody or control of any animal for a minimum period of five (5) years on a first offense; and for a minimum period of fifteen (15) years on a second or subsequent offense.
 - (2) A violation of this Subsection is a petty misdemeanor and shall result in the forfeiture of the offender's interest in the animal.
 - (3) Notwithstanding any other provision of law, an officer may immediately seize any animal found to be kept in violation of this Subsection.
- (f) *Reimbursement of Costs to Caregiving Agency. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to repay all reasonable costs incurred by any*

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person or organization prior to judgment in seizing and providing minimum care for each animal subjected to mistreatment in violation of this Article.

- (g) *Restitution to Guardian. In addition to any other sentence it may impose, the court shall order that restitution be made by a defendant convicted under this Article to the guardian of any animal subjected to mistreatment by the defendant in violation of this Article. The measure for restitution shall be the actual pecuniary value of such loss, including, but not limited to, the actual veterinary expenses, special supplies, and other costs incurred by the animal's guardian in treating the animal and in attempting to restore the animal to good health or to otherwise ameliorate the effects of the criminal violation.*

9 GUAM CODE § 80.50. Fines & restitution as sentence allowed: Limited.

A person who has been convicted of an offense may be sentenced to pay a fine or to make restitution not exceeding:

- (a) Ten Thousand Dollars (\$10,000.00), when the conviction is of a felony of the first or second degree;
- (b) Five Thousand Dollars (\$5,000.00), when the conviction is of a felony of the third degree;
- (c) One Thousand Dollars (\$1,000.00), when the conviction is of a misdemeanor;
- (d) *Five Hundred Dollars (\$500.00), when the conviction is of a petty misdemeanor or violation;*
- (e) *Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this Section, the term "gain" means the amount of money or the value of the property derived by the offender and the term "loss" means the amount of value separated from the victim;*
- (f) Any amount specifically authorized by statute. *The restitution ordered paid to the victim shall not exceed his loss.*

10 GUAM CODE § 34117. Impoundment.

The Director may impound and hold at the facility any pet that is the subject of a violation of this Article, any pet that requires protective custody and care because of mistreatment or neglect by its owner, or a pet that the Superior Court orders him to impound. The Director may authorize the destruction of the impounded pet as provided in this Article, or may return the pet to its owner, or may order the pet given up for adoption, as the Director determines to be in the best interests of the pet and the public. *The owners of any pets returned to them shall be assessed a per diem fee for the animal's care based on the facility's operating costs.*

10 GUAM CODE § 34125. Penalties for violation of articles 1 and 2.

Notwithstanding the penalties created by § 34124, violations of Articles 1 and 2 of this Chapter shall be punished by a fine to be imposed on the pet owner of not less than \$25 for the first offense, \$50 for a second

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offense, and \$100 for a third and subsequent offense. *The pet owner shall also pay all applicable costs, such as vaccination, licensing and the per diem fee for impoundment.*

10 GUAM CODE § 34209. Authority of officers and director.

- (a) Any peace officer may issue a citation of violation as provided in Title 8 GCA §§ 25.10 through 25.50.
- (b) The Director may impound any pet or wild animal that is the subject of a violation of this Article, any pet or wild animal that requires protective custody and care because of mistreatment or neglect by its owner, or a pet or wild animal that the Superior Court orders him to impound.
- (c) The Director may authorize the destruction of the animal, or may return a pet to its owner or may order the animal given up for adoption, or make any other disposition as the Director determines is required by this Article and by the best interests of the animal and the public. *The Director may assess a per diem fee based on the facility's operating costs to anyone who receives the animal.*

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19. FORFEITURE AND POSSESSION BANS

9 GUAM CODE § 70.75. Pre-trial provisions.

(a) Reporting and Immunity.

- (1) The following designees, having a good-faith belief that any animal with whom the designee comes in contact has suffered a violation of this Article or that any person with whom the designee comes in contact has committed a violation of this Article, may report, or cause a report to be made to the Animal Control Division of the Department of Agriculture:
 - (A) a police officer; or
 - (B) a licensed social worker.
- (2) Any designee making a report under this Subsection shall not be required to report such information communicated by a person if the communication is privileged under Guam law.
- (3) Any designee making a report under this Subsection shall be immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.

(b) Law Enforcement Policies.

- (1) All officers as defined in § 70.15 of this Article have the duty and responsibility to enforce this Article to the extent authorized by law.
- (2) All volunteer animal control officers, volunteer conservation officers, or similar volunteer law enforcement officers, whose positions are established by the government of Guam, have the duty and responsibility to enforce this Article to the extent authorized by law.

(c) Seizure.

- (1) Search and Seizure With a Warrant. If there is probable cause to believe that an animal is being subjected to treatment in violation of this Article, an officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal.
- (2) Search and Seizure Without a Warrant. If an officer witnesses a situation in which the officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The officer shall immediately take an animal seized under this Subsection to a licensed veterinarian or animal shelter for medical attention to stabilize the animal's condition and to assess the health of the animal.
- (3) Any person or facility receiving an animal seized pursuant to this Subsection shall provide the animal with minimum care.
- (4) An officer shall not be liable for any damages for an entry under this Subsection.
- (5) Any guardian of an animal that is impounded pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The written notice shall be posted at the place of seizure, or delivered to an employee at the place of impoundment, or by registered mail if the guardian is known.
- (6) The guardian from whom an animal is seized pursuant to this Subsection shall, within seventy-two (72) hours following the seizure, be given written notice of the seizure and legal remedies available to the guardian. The notice shall, at a minimum, be given by posting at the place of

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seizure, or by delivery to a person residing or working at the place of seizure, or by certified mail. Such notice shall include:

- (A) the name, business address, and telephone number of the law enforcement entity responsible for seizing the animal;
- (B) a description of the seized animal;
- (C) the authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized; and
- (D) a statement that the guardian is responsible for the cost of care for an animal who was lawfully seized, and that the guardian will be required to post a bond with the court to defray the cost of care or the animal will be deemed forfeited.

(d) Costs-of-Care Bonds.

- (1) An animal that has been impounded pending outcome of a criminal case, including charges under this Article, may prevent disposition of the animal by a caregiving agency that has temporary custody of the animal by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty (30) days, including the day on which the animal was taken into custody.
 - (A) Such bond shall be filed with the court within ten (10) days after the animal is impounded. If a bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the owner, guardian, or person in possession of an animal, desires to prevent disposition of the animal by the custodial caregiving agency, a new bond shall be posted with the court within ten (10) days following the prior bond's expiration.
 - (B) *If a new bond is not so posted, the animal shall be deemed forfeited and the custodial caregiving agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.*
 - (C) However, nothing in this Subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.
- (2) If a bond has been posted in accordance with Subsection (d)(1) of this Section, the custodial caregiving agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the seized animal from the date of initial seizure to the date of final disposition of the animal in the criminal action.

(h) Protective Orders.

- (1) A mandatory restraining order is created against any person charged with a felony under this Article.
- (2) The order may remain in effect from the time that the defendant is advised of their rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.
- (3) The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:

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- (A) any animal(s) victimized by the acts charged;
 - (B) any guardian or owner, other than the defendant, of such animal(s); or
 - (C) any witness to the acts charged.
- (4) Any restraining order issued pursuant to Subsection (e) of this Section, shall be on a standardized form prescribed by the Superior Court of Guam.
- (5) A copy of the restraining order shall be provided to the protected parties.
- (6) The court may include an animal in any protective order authorized by this Article.

9 GUAM CODE § 70.80. Sentencing provisions.

- (a) Community Service. In addition to any other sentence it may impose, the court may order the defendant to participate in community service. No such participation shall occur at any humane society, animal shelter, or other facility where an animal is present, unless first approved by said organization.
- (b) Evaluation & Treatment.
- (1) In addition to any other sentence it may impose, the court shall order the defendant convicted of a felony crime under this Article to undergo a psychiatric, psychological, or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate care or treatment.
 - (2) Treatment may include, but is not limited to, counseling and humane education classes.
 - (3) Treatment may be conducted in-person or online.
 - (4) All costs of the evaluation, care and treatment shall be borne by the defendant. However, if the court determines that the defendant is indigent, the government of Guam may provide access to government funded or government contracted service providers, if available.
- (c) Education. The Department of Agriculture shall make available educational material and information regarding proper animal care and welfare to the defendant. At a minimum, such information shall be made available in printed form or online, as deemed appropriate by the Department of Agriculture.
- (d) *Forfeiture. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to forfeit all legal interest of the defendant in the animal subjected to the violation. The court shall award all such interest to the animal to a caregiving agency.*
- (e) *Contact with Animals.*
- (1) *In addition to any other penalty imposed by law, a court may require a defendant convicted of a felony under this Article to not own, possess, or have custody or control of any animal for a minimum period of five (5) years on a first offense; and for a minimum period of fifteen (15) years on a second or subsequent offense.*
 - (2) *A violation of this Subsection is a petty misdemeanor and shall result in the forfeiture of the offender's interest in the animal.*
 - (3) *Notwithstanding any other provision of law, an officer may immediately seize any animal found to be kept in violation of this Subsection.*
- (f) Reimbursement of Costs to Caregiving Agency. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to repay all reasonable costs incurred by

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any person or organization prior to judgment in seizing and providing minimum care for each animal subjected to mistreatment in violation of this Article.

- (g) Restitution to Guardian. In addition to any other sentence it may impose, the court shall order that restitution be made by a defendant convicted under this Article to the guardian of any animal subjected to mistreatment by the defendant in violation of this Article. The measure for restitution shall be the actual pecuniary value of such loss, including, but not limited to, the actual veterinary expenses, special supplies, and other costs incurred by the animal's guardian in treating the animal and in attempting to restore the animal to good health or to otherwise ameliorate the effects of the criminal violation.

10 GUAM CODE § 34117. Impoundment.

The Director may impound and hold at the facility any pet that is the subject of a violation of this Article, any pet that requires protective custody and care because of mistreatment or neglect by its owner, or a pet that the Superior Court orders him to impound. *The Director may authorize the destruction of the impounded pet as provided in this Article, or may return the pet to its owner, or may order the pet given up for adoption, as the Director determines to be in the best interests of the pet and the public.* The owners of any pets returned to them shall be assessed a per diem fee for the animal's care based on the facility's operating costs.

10 GUAM CODE § 34209. Authority of officers and director.

- (a) Any peace officer may issue a citation of violation as provided in Title 8 GCA §§ 25.10 through 25.50.
- (b) The Director may impound any pet or wild animal that is the subject of a violation of this Article, any pet or wild animal that requires protective custody and care because of mistreatment or neglect by its owner, or a pet or wild animal that the Superior Court orders him to impound.
- (c) *The Director may authorize the destruction of the animal, or may return a pet to its owner or may order the animal given up for adoption, or make any other disposition as the Director determines is required by this Article and by the best interests of the animal and the public.* The Director may assess a per diem fee based on the facility's operating costs to anyone who receives the animal.

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20. REHABILITATIVE SENTENCING

9 GUAM CODE § 70.80. Sentencing provisions.

- (a) Community Service. In addition to any other sentence it may impose, the court may order the defendant to participate in community service. No such participation shall occur at any humane society, animal shelter, or other facility where an animal is present, unless first approved by said organization.
- (b) *Evaluation & Treatment.*
- (1) *In addition to any other sentence it may impose, the court shall order the defendant convicted of a felony crime under this Article to undergo a psychiatric, psychological, or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate care or treatment.*
 - (2) *Treatment may include, but is not limited to, counseling and humane education classes.*
 - (3) *Treatment may be conducted in-person or online.*
 - (4) *All costs of the evaluation, care and treatment shall be borne by the defendant. However, if the court determines that the defendant is indigent, the government of Guam may provide access to government funded or government contracted service providers, if available.*
- (c) *Education.* The Department of Agriculture shall make available educational material and information regarding proper animal care and welfare to the defendant. At a minimum, such information shall be made available in printed form or online, as deemed appropriate by the Department of Agriculture.
- (d) Forfeiture. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to forfeit all legal interest of the defendant in the animal subjected to the violation. The court shall award all such interest to the animal to a caregiving agency.
- (e) Contact with Animals.
- (1) In addition to any other penalty imposed by law, a court may require a defendant convicted of a felony under this Article to not own, possess, or have custody or control of any animal for a minimum period of five (5) years on a first offense; and for a minimum period of fifteen (15) years on a second or subsequent offense.
 - (2) A violation of this Subsection is a petty misdemeanor and shall result in the forfeiture of the offender's interest in the animal.
 - (3) Notwithstanding any other provision of law, an officer may immediately seize any animal found to be kept in violation of this Subsection.
- (f) Reimbursement of Costs to Caregiving Agency. In addition to any other sentence it may impose, the court shall require a defendant convicted under this Article to repay all reasonable costs incurred by any person or organization prior to judgment in seizing and providing minimum care for each animal subjected to mistreatment in violation of this Article.

Restitution to Guardian. In addition to any other sentence it may impose, the court shall order that restitution be made by a defendant convicted under this Article to the guardian of any animal subjected to mistreatment by the defendant in violation of this Article. The measure for restitution shall be the actual pecuniary value of such loss, including, but not limited to, the actual veterinary expenses, special supplies, and other costs

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incurred by the animal's guardian in treating the animal and in attempting to restore the animal to good health or to otherwise ameliorate the effects of the criminal violation.