

I MINA'BENTE ÑUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

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Bill No. 97 (LS)

Introduced by:

J. V. Espaldon
Judith Wankat
~~TELEUNA BARRETT~~
Juan P. Gutierrez
F.T. ISHIZAKI

**AN ACT TO AMEND SECTION 40105(b) OF CHAPTER 40,
TITLE 7, GUAM CODE ANNOTATED RELATIVE TO
PROVIDING FLEXIBILITY TO THE COURTS IN THE
ISSUANCE OF PROTECTIVE ORDERS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1. Legislative Intent.** *I Liheslaturan Guahan* finds that since the
3 enactment of the Public Law 22-160, the Family Violence Act of 1994, and Public
4 Law 24-239, the Family Violence Act of 1998, there are limitations in place that
5 restrict the issuance of protective orders to a period of one (1) year. As a result of
6 this limitation, victims and legal practitioners have been hesitant to take advantage
7 of the provisions provided for the victim's protections from abuse, instead opting
8 to use the common law route of seeking injunctive relief to that. *I Liheslaturan*
9 *Guahan* finds that it is in the best interest of victims and their family that judges be
10 given flexibility in exercising their judicial discretion on the appropriate amount of
11 time for protective orders using their prudence in setting a time limit that will
12 adequately protect the victim based on the circumstances and factors presented to
13 the court. To that end, it is the intent of *I Liheslaturan Guahan* to amend 7 G.C.A.

1 §40105(b) which limits protection from abuse of these victims to one year, and
2 enact this legislation that will allow a court to set a fixed reasonable time period as
3 the court deems appropriate.

4 **Section 2.** Section §40105(b) of Chapter 40, Title 7, Guam Code
5 Annotated is hereby *amended* to read as follows:

6 “(b) Any protection order or approved consent agreement shall be for a fixed
7 period of time ~~[not to exceed one year]~~ as the court deems appropriate. The court
8 may amend its order or agreement at any time upon subsequent petition or motion
9 filed by either party provided that appropriate and timely notice is given to the
10 victim prior to any amendment of the order.”