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**ARTICLE 5**  
**CASTLE DOCTRINE ACT**

**SOURCE:** Entire article added by P.L. 32-111 (Feb. 10, 2014) as §§ 37.70-37.73 of Title 9 GCA. Recodified by the Compiler pursuant to the authority granted by 1 GCA § 1606.

- § 7.111. Legislative Findings and Intent.
- § 7.112. Home Protection, Use of Deadly Force, Presumption of Fear of Death or Harm.
- § 7.113. Immunity from Criminal Prosecution and Civil Action.
- § 7.114. Severability.

**§ 7.111. Legislative Findings and Intent.**

*Ilheslaturan Guâhan* finds that it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action from acting in defense of themselves and others.

*I Liheslatura* further finds that the “Castle Doctrine” is a common-law doctrine of ancient origins that declares that a person’s home is his or her castle.

*I Liheslatura* further finds that persons residing in or visiting Guam have a right to remain safe.

Therefore, it is the intent of *I Liheslatura* that no person or victim of crime should be required to surrender his or her personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

**§ 7.112. Home Protection, Use of Deadly Force, Presumption of Fear of Death or Harm.**

(a) A person is presumed to have held a reasonable fear of imminent peril of death or serious bodily injury to himself or herself or another when using defensive force that is intended or likely to cause death or serious bodily injury to another if:

(1) the person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully or forcefully entered, a business, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person’s will from the business, residence, or occupied vehicle; and

(2) the person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

(b) The presumption set forth in Subsection (a) *does not* apply if:

(1) the person against whom the defensive force is used has the right to be in or is a lawful resident of the business, residence, or vehicle, such as an owner, lessee, or titleholder, and there is *not* an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or

(2) the person who uses defensive force is engaged in a criminal activity or is using the business, residence, or occupied vehicle to further a criminal activity; or

(3) the person against whom defensive force is used is a uniformed law enforcement officer who enters or attempts to enter a habitable property, residence, or vehicle in the performance of his or

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her official duties, and the officer identified himself or herself in accordance with applicable law, or the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.

(c) A person who unlawfully and by force enters or attempts to enter a person's business, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

(d) As used in this Section, the term:

(1) *habitable property* has the meaning provided by §34.10. Habitable property, as used in this Section, are limited to business buildings, for which the victim has beneficial control and use; and residences, vehicles and house boats for which the victim has a legal right to occupy.

Habitable property, as used in this Section, *does not* include yards or outdoor spaces surrounding business buildings, residences, vehicles or house boats. Nothing herein is construed to limit the right of a victim to use defensive force in a manner consistent with Chapter 7 of Title 9, GCA in areas outside of his home, business, car or house boat.

(2) *business* means habitable property that is lawfully used to conduct commercial activity by duly licensed corporations, LLCs, partnerships or sole proprietorships.

(3) *residence* as used in this Chapter, means a habitable property in which a person resides, either temporarily or permanently, or is visiting as an invited guest.

(4) *vehicle* is defined in § 1102 and § 5101 of Title 16, GCA.

(5) *Defensive force* has the same meaning as *selfdefense* as used in Chapter 7 of Title 9, GCA, *except* that a lawful occupant of habitable property has *no* duty or obligation to retreat.

**§ 7.113. Immunity from Criminal Prosecution and Civil Action.**

(a) As used in this Section, the term *criminal prosecution* includes arresting, detaining in custody, and charging or prosecuting the defendant.

(b) A person who uses force as permitted in § 7.112 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, *except* when:

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(1) the person against whom force was used is a law enforcement officer, as defined by public law, who was acting in the performance of his or her duties, and the officer identified himself or herself in accordance with applicable law; or

(2) the person using force knew or reasonably should have known that the person was a law enforcement officer; or

(3) the use of force is found to be unlawful or was found to have been exercised with any illegal activity.

(c) A law enforcement agency *shall* use standard procedures for investigating the use of force as described in Subsection (b), but the agency may *not* arrest the person for using force *unless* it determines that there is probable cause that the force that was used was unlawful.

(d) The court *shall* award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff *if* the court finds that the defendant is immune from prosecution as provided in Subsection (b).

**§ 7.114. Severability.**

*If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

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