

# Criminal Statutes of Limitations Guam

*Last Updated: March 2020*

## First Degree Criminal Sexual Conduct

Question	Answer
What is the statute of limitations for this crime?	1. There is no limitations period for this crime.
Statutory citation(s):	1. Citation for the crime: 9 Guam Code Ann. § 25.15 2. Citation for the statute of limitations: 8 Guam Code Ann. § 10.17

## Second Degree Criminal Sexual Conduct

Question	Answer
What is the statute of limitations for this crime?	1. There is no limitations period for this crime.
Statutory citation(s):	1. Citation for the crime: 9 Guam Code Ann. § 25.20 2. Citation for the statute of limitations: 8 Guam Code Ann. § 10.17

## Third Degree Criminal Sexual Conduct

Question	Answer
What is the statute of limitations for this crime?	Criminal sexual conduct in the third degree is a felony of the second degree.  1. If the offense was committed while the victim was under the age of majority, and the victim had exceeded the age of majority plus three (3) years by March 9, 2011, the suit may be barred. 2. If the above does not apply, and the victim is or was under the age of majority at the time the offense was committed, or the victim's mental comprehension and capacity was below the age of adolescence at the time the offense was committed, there is no limitation on when a prosecution for third degree

	<p>criminal sexual conduct may be commenced.</p> <p>3. If the victim was not under the age of majority, or the victim's mental comprehension and capacity was not below the age of adolescence at the time the offense was committed, then a prosecution must be commenced within three (3) years after the offense was committed.</p>
Statutory citation(s):	<p>1. Citation for the crime: 9 Guam Code Ann. § 25.25</p> <p>2. Citation for the statute of limitations: 8 Guam Code Ann. §§ 10.15, 10.16, 10.20</p>

## Fourth Degree Criminal Sexual Conduct

Question	Answer
What is the statute of limitations for this crime?	<p>Criminal sexual conduct in the fourth degree is a misdemeanor for first time offenders, and is otherwise a felony of the third degree.</p> <ol style="list-style-type: none"> <li>1. If the offense was committed while the victim was under the age of majority, and the victim had exceeded the age of majority plus three (3) years by March 9, 2011, the suit may be barred.</li> <li>2. If the above does not apply, and the victim is or was under the age of majority at the time the offense was committed, or the victim's mental comprehension and capacity was below the age of adolescence at the time the offense was committed, there is no limitation on when a prosecution for fourth degree criminal sexual conduct may be commenced.</li> <li>3. If the victim was not under the age of majority, or the victim's mental comprehension and capacity was not below the age of adolescence at the time the offense was committed, then a prosecution must be commenced within three (3) years after the offense was committed.</li> <li>4. If a misdemeanor, prosecution must be commenced within one (1) year after the offense was committed.</li> </ol>
Statutory citation(s):	<p>1. Citation for the crime: 9 Guam Code Ann. § 25.30</p> <p>2. Citation for the statute of limitations: 8 Guam Code Ann. §§ 10.15, 10.16, 10.20, 10.30</p>

## Assault with Intent to Commit Criminal Sexual Conduct

Question	Answer
----------	--------

What is the statute of limitations for this crime?	<p>Assault with intent to commit criminal sexual conduct involving penetration is a felony of the third degree.</p> <ol style="list-style-type: none"> <li>1. If the offense was committed while the victim was under the age of majority, and the victim had exceeded the age of majority plus three (3) years by March 9, 2011, the suit may be barred.</li> <li>2. If the above does not apply, and the victim is or was under the age of majority or the victim's mental comprehension and capacity was below the age of adolescence at the time the offense was committed, there is no limitation on when a prosecution may be commenced.</li> <li>3. If the victim was not under the age of majority, or the victim's mental comprehension and capacity was not below the age of adolescence at the time the offense was committed, then a prosecution must be commenced within three (3) years after the offense was committed.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: 9 Guam Code Ann. § 25.35</li> <li>2. Citation for the statute of limitations: 8 Guam Code Ann. §§ 10.15, 10.16, 10.20</li> </ol>

## Indecent electronic display to a child

Question	Answer
What is the statute of limitations for this crime?	<p>Indecent electronic display to a child is a third degree felony.</p> <ol style="list-style-type: none"> <li>1. If the offense was committed while the victim was under the age of majority, and the victim had exceeded the age of majority plus three (3) years by March 9, 2011, the suit may be barred.</li> <li>2. If the above does not apply, and the victim is or was under the age of majority or the victim's mental comprehension and capacity was below the age of adolescence at the time the offense was committed, there is no limitation on when a prosecution may be commenced.</li> <li>3. If the victim was not under the age of majority, or the victim's mental comprehension and capacity was not below the age of adolescence at the time the offense was committed, then a prosecution must be commenced within three (3) years after the offense was committed.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: 9 Guam Code Ann. § 25A102</li> <li>2. Citation for the statute of limitations: 8 Guam Code Ann. §§ 10.15, 10.16, 10.20</li> </ol>

## Electronic enticement of a child

Question	Answer
----------	--------

What is the statute of limitations for this crime?	<p>Depending on the applicable facts, electronic enticement of a child could be considered a first, second, or third degree felony.</p> <ol style="list-style-type: none"> <li>1. If the offense was committed while the victim was under the age of majority, and the victim had exceeded the age of majority plus three (3) years by March 9, 2011, the suit may be barred.</li> <li>2. If the above does not apply, and the victim is or was under the age of majority or the victim's mental comprehension and capacity was below the age of adolescence at the time the offense was committed, there is no limitation on when a prosecution may be commenced.</li> <li>3. If the victim was not under the age of majority, or the victim's mental comprehension and capacity was not below the age of adolescence at the time the offense was committed, then a prosecution must be commenced within three (3) years after the offense was committed.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: 9 Guam Code Ann. §§ 25A103-25A105</li> <li>2. Citation for the statute of limitations: 8 Guam Code Ann. §§ 10.15, 10.16, 10.20</li> </ol>

### **Are there any exceptions to the statute of limitations laws?**

Question	Answer
What is the statute of limitations for this crime?	<ul style="list-style-type: none"> <li>• Pursuant to 8 Guam Code Ann. § 10.50, the statute of limitations does not run during any time during which a criminal action against the defendant for the same conduct is pending in the territory of Guam, even if the accusatory pleading is later set aside, the action is later dismissed, or the conviction is later reversed upon appeal or set aside as a result of a post-conviction proceeding.</li> <li>• Pursuant to 8 Guam Code Ann. § 10.40, a prosecution may be commenced against a public officer or employee or any person acting in complicity with such public officer or employee for any offense based on misconduct in office by such public officer or employee at any time while such public officer continues in public office or employment or within three years thereafter.</li> </ul>

Anything else I should know?
<ul style="list-style-type: none"> <li>• Pursuant to 8 Guam Code Ann. § 10.60, the offense is deemed committed either when every element occurs, or if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.</li> <li>• Pursuant to 8 Guam Code Ann. § 10.70, a prosecution is commenced either when an indictment is presented in open court and there received and filed, or when a complaint is filed.</li> </ul>

- There is apparent contradiction between 8 Guam Code Ann. § 10.15 and §10.16. In *People v. Taitano*, the Supreme Court of the Territory of Guam interpreted the statute of limitations for crimes occurring while the victim was a minor as follows: For crimes committed prior to July 14, 2009, prosecution may commence up to three years after the victim has reached the age of consent (16), for crimes occurring on or after July 14, 2009, prosecution may commence up to three years after the victim has reached the age of majority (18). *People v. Taitano*, 2015 Guam 33.
- Pursuant to 8 Guam Code Ann. § 10.17, there is no limit on first or second degree criminal sexual conduct, except for an offence the prosecution of which would have been barred by 8 Guam Code Ann. §§ 10.15 or 10.20 on or before May 24, 2011.
- A prosecution for a violation of 9 Guam Code Ann. §§ 22, 25, 25.1, 28 and 30, or a violation of 9 Guam Code Ann. § 13 in combination with a violation of 9 Guam Code Ann. §§ 22, 25, 25.1, or 30, involving a person under the age of majority, may be commenced up to three (3) years after the minor reaches the age of majority. 8 Guam Code Ann. § 10.15.
- For more information about how a particular assault or crime applies to the laws of Guam, please consult an attorney.
- Pursuant to 8 Guam Code Ann. § 10.17, there is no limit on first or second degree criminal sexual conduct, except for an offence the prosecution of which would have been barred by 8 Guam Code Ann. §§ 10.15 or 10.20 on or before May 24, 2011.
- A prosecution for a violation of 9 Guam Code Ann. §§ 22, 25, 25.1, 28 and 30, or a violation of 9 Guam Code Ann. § 13 in combination with a violation of 9 Guam Code Ann. §§ 22, 25, 25.1, or 30, involving a person under the age of majority, may be commenced up to three (3) years after the minor reaches the age of majority. 8 Guam Code Ann. § 10.15.
- For more information about how a particular assault or crime applies to the laws of Guam, please consult an attorney.