

# ANIMAL PROTECTION LAWS OF 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, 2017. It begins with an overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.*

*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.*

## GUAM

### 1. GENERAL PROHIBITIONS \*

(1)  
Cruelty to animals in the second degree  
9 GUAM CODE ANN. § 70.10

(2)  
Cruelty to animals in the first degree  
9 GUAM CODE ANN. § 70.10.1

(3)  
Animal abandonment  
9 GUAM CODE ANN. § 70.10.2

(4)  
Animal neglect  
10 GUAM CODE ANN. § 34205(a)

(5)  
Cruelty to animals  
10 GUAM CODE ANN. § 34205(b)

(6)  
Animal abandonment  
10 GUAM CODE ANN. § 34205(c)

### *Animals Covered in Definition*

“Animal” means a domestic animal, a household pet or a wild animal in captivity.  
9 GUAM CODE ANN. § 70.01(a)

“Domestic animal” means any animal, other than livestock, that is owned or possessed by a person.  
9 GUAM CODE ANN. § 70.01(b)

“Pet” means a cat or dog.  
10 GUAM CODE ANN. § 34101

“Animal” means any live non-human vertebrate creature, domestic or wild.  
10 GUAM CODE ANN. § 34201(a)

“Pet” means any animal kept for pleasure rather than utility.  
10 GUAM CODE ANN. § 34201(k)

**GUAM** *continued*

<p><i>Classification of Crimes</i></p>	<p>(1) Misdemeanor</p> <p>(2) Third-degree felony</p> <p>(3) Petty misdemeanor</p> <p>(4)-(6) Violation</p>
<p>2. <u>MAXIMUM PENALTIES</u> **</p>	<p>(1) 1 year imprisonment 9 GUAM CODE ANN. § 80.34(a) <i>and</i> \$1,000 fine 9 GUAM CODE ANN. § 80.50(c)</p> <p>(2) [1<sup>st</sup> offense:] 3 years imprisonment 9 GUAM CODE ANN. § 80.31(c) <i>and</i> \$5,000 fine 9 GUAM CODE ANN. § 80.50(b)</p> <p>[Subsequent offenses:] 5 years imprisonment 9 GUAM CODE ANN. § 80.30(c) <i>and</i> \$5,000 fine 9 GUAM CODE ANN. § 80.50(b)</p> <p>(3) 60 days imprisonment 9 GUAM CODE ANN. § 80.34(b) <i>and</i> \$500 fine 9 GUAM CODE ANN. § 80.50</p> <p>(4)-(6) \$500 fine 10 GUAM CODE ANN. §§ 34125, 34210</p>

**GUAM** *continued*

<p><b>3. <u>EXEMPTIONS</u></b> ***</p>	<p>1, 2, 3, 5, 6, 9 9 GUAM CODE ANN. §§ 70.10, 70.10.1</p> <p>9 10 GUAM CODE ANN. §§ 34110–34112, 34210(b)</p>
<p><b>4. <u>COUNSELING / EVALUATIONS</u></b> †</p>	<p>-----</p>
<p><b>5. <u>PROTECTIVE ORDERS</u></b> †</p>	<p>-----</p>
<p><b>6. <u>RESTITUTION / REIMBURSEMENT OF COSTS / BONDING &amp; LIENS</u></b> †</p>	<p>Offender may be required to make restitution. 9 GUAM CODE ANN. § 80.50</p> <p>Owners whose seized animals are returned to them shall be assessed a per diem fee for the animal’s care based on the holding facility’s operating costs. 10 GUAM CODE ANN. § 34117</p> <p>In addition to any other penalty, the defendant shall pay all applicable costs, including care for impounded animals. 10 GUAM CODE ANN. § 34125</p> <p>Anyone who receives ownership or reclaims a seized animal may be assessed a per diem fee based on the holding facility’s operating costs. 10 GUAM CODE ANN. § 34209(c)</p>

**GUAM** *continued*

<p><b>7. <u>SEIZURE / ON-SITE SUPERVISION</u></b></p>	<p>Upon probable cause of animal cruelty, neglect or abandonment, any officer under exigent circumstances may enter premises and impound the animal(s). Notice of impoundment shall be posted. No liability for non-reckless damages for entry. 9 GUAM CODE ANN. § 70.10.3</p> <p>The Director of Agriculture may impound and hold mistreated or neglected pets. 10 GUAM CODE ANN. §§ 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 ANN. § 34121</p>
<p><b>8. <u>FORFEITURE / POSSESSION</u> †</b></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. 10 GUAM CODE ANN. §§ 34117, 34209(c)</p>
<p><b>9. <u>CROSS ENFORCEMENT / REPORTING</u></b></p>	<p>Physicians and other health care professionals shall report suspected dogfighting, and failure to do so may result in loss of licensure. 9 GUAM CODE ANN. § 70.11(f)</p>
<p><b>10. <u>VETERINARIAN REPORTING / IMMUNITY</u></b></p>	<p>Veterinarians shall report suspected dogfighting, and failure to do so may result in loss of licensure. 9 GUAM CODE ANN. § 70.11(f)</p>

**GUAM** *continued*

<p><b>11. <u>LAW ENFORCEMENT POLICIES</u></b></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 ANN. § 34121(a),(c)</p> <p>Any peace officer may issue a citation of violation for animal mistreatment. 10 GUAM CODE ANN. § 34209(a)</p>
<p><b>12. <u>SEXUAL ASSAULT</u></b></p>	<p>-----</p>
<p><b>13. <u>FIGHTING</u></b></p>	<p>Various dogfighting activities, including spectatorship, are third degree felonies. 9 GUAM CODE ANN. § 70.11</p> <p>Court may order seizure of alleged fighting dogs. Costs of care for such dogs are entitled to be received from the defendant. Upon conviction, the court may order defendant to pay costs as restitution. 9 GUAM CODE ANN. § 70.11(d)</p> <p>Animal fighting (not including cockfighting) is a violation. 10 GUAM CODE ANN. § 34205(b)</p> <p>EDITOR’S NOTE: Cockfighting is legal. It is regulated and licensed pursuant to 22 GCA BUS. REG. CH. 39.</p>
<p><b><i>Other Felony Provisions Affecting Animals</i></b> ‡</p>	<p>-----</p>

\* Jurisdictions may have other more specific statutes in addition to the general animal protection statutes referenced in this table.  
 \*\* Despite statutory maximums, states and territories may employ sentencing guidelines that may significantly alter the allowable sentence.  
 \*\*\* Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.  
 † This table generally references only those provisions that are within each jurisdiction’s animal protection statutes. Jurisdictions may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.  
 ‡ This list is not exhaustive; states and territories may authorize felony penalties for other crimes involving animals not included in this table.

## **1. GENERAL PROHIBITIONS**

### **9 GUAM CODE ANN. § 70.01 (2017). Cruelty to Animals; Definitions.**

*For purposes of this Chapter:*

- (a) *“Animal” means a domestic animal, a household pet or a wild animal in captivity.*
- (b) *“Domestic animal” means any animal, other than livestock, that is owned or possessed by a person.*
- (c) *“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, according to accepted practices of veterinary medicine or animal husbandry.*
- (d) *“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 owner, includes, but is not limited to, the following requirements:*
- (1) food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;*
  - (2) open or adequate access to potable water in sufficient quantity to satisfy the animal’s needs;*
  - (3) access to a structure sufficient to protect the animal from wind, rain, or sun;*
  - (4) veterinary care deemed necessary by a reasonably prudent person to relieve 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).*
- (e) *“Officer” means a member of the Guam Police Department, a Mayor of Guam, an Animal Control 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.*

(f) *“Physical injury” means physical trauma, impairment of physical condition or substantial pain.*

(g) *“Physical trauma” means fractures, cuts, punctures, bruises, burns or other wounds.*

(h) *“Serious physical injury” means physical injury that creates a substantial risk of death or that causes protracted disfigurement, impairment of health or impairment to the function of a limb or bodily organ.*

(i) *“Torture” means an action taken for the primary purpose of inflicting pain.*

**9 GUAM CODE ANN. § 70.10 (2017). Cruelty to Animals: Defined; Exceptions; Penalty.**

(a) *A person commits the crime of animal abuse in the second degree if the person intentionally, knowingly or recklessly, except as otherwise authorized by law:*

*(1) causes physical injury to an animal;*

*(2) fails to provide minimum care for the animal(s) in such person’s custody and control, and the failure to provide such minimum care causes physical injury to the animal(s); or*

*(3) kills, impounds or injures any animal belonging to another without legal authority or consent of the owner.*

(b) *Animal abuse in the second degree is a misdemeanor.*

(c) Subsection (a) shall not be applicable to:

(1) accepted veterinary practices and activities carried on for scientific research by public or private schools or universities or medical institutions;

(2) the shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;

(3) cockfighting in a manner and at such times and places as are authorized by law;

(4) measures necessary to avert harm by an animal that poses a present and immediate danger to the safety of people or other animals;

(5) the killing of animals for food; or

(6) the proper disinfestation of rodents, insects and arachnids.

**9 GUAM CODE ANN. § 70.10.1 (2017). Animal Abuse in the First Degree.**

*(a) A person commits the crime of animal abuse in the first degree if the person intentionally, knowingly or recklessly, except as otherwise authorized by law:*

*(1) causes serious physical injury to the animal(s), cruelly causes the death of the animal(s) or tortures the animal(s); or*

*(2) fails to provide minimum care for the animal(s) in the person's custody or control, and the failure to provide care results in serious physical injury or death to the animal(s).*

*(b) Animal abuse in the first degree is a third-degree felony.*

(c) Subsection (a) of this Section shall not be applicable to:

(1) accepted veterinary practices and activities carried on for scientific research by public or private schools or universities or medical institutions;

(2) the shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;

(3) cockfighting in a manner and at such times and places as are authorized by law;

(4) measures necessary to avert harm by an animal that poses a present and immediate danger to the safety of people or other animals;

(5) the killing of animals for food; or

(6) the proper disinfection of rodents, insects and arachnids.

**9 GUAM CODE ANN. § 70.10.2 (2017). Animal Abandonment.**

*(a) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal at a location without providing 'minimum care' as defined in this Chapter.*

*(b) Animal abandonment is a petty misdemeanor.*

**10 GUAM CODE ANN. § 34101 (2017). 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 ANN. § 34201 (2017). 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:*

- (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.*

#### **10 GUAM CODE ANN. § 34205 (2017). Animal Care.**

(a) *No person who has an animal or animals in his custody or control shall fail to provide the animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, space to exercise, an area which is reasonably clean and free of excrement which may be injurious to the health of the animal(s), veterinary care when needed to prevent suffering, and with other humane care and treatment as necessary to preserve the health and well-being of the animal(s).*

*(b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate or permit any dogfight, bullfight or other combat between animals with the exception of cockfighting as regulated by the Cockpit License Board.*

*(c) No owner of an animal shall abandon such animal.*

(d) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to an officer.

(f) Only a licensed veterinarian shall perform ear cropping or tail docking on an animal, which shall be performed in accordance with the American Veterinarian Medical Association policy, and the veterinarian shall counsel pet owners about this matter before agreeing to perform these surgeries and shall record said consultation in the pet's record.

## **2. PENALTIES**

### **9 GUAM CODE ANN. § 80.30 (2017). 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 ANN. § 80.31 (2017). 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.*

### **9 GUAM CODE ANN. § 80.34 (2017). 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 ANN. § 80.50 (2017). 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 ANN. § 34125 (2017). 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 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 ANN. § 34210 (2017). Penalties.**

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

### 3. EXEMPTIONS

#### 9 GUAM CODE ANN. § 70.10 (2017). Cruelty to Animals: Defined; Exceptions; Penalty.

(a) A person commits the crime of animal abuse in the second degree if the person intentionally, knowingly or recklessly, except as otherwise authorized by law:

- (1) causes physical injury to an animal;
- (2) fails to provide minimum care for the animal(s) in such person's custody and control, and the failure to provide such minimum care causes physical injury to the animal(s); or
- (3) kills, impounds or injures any animal belonging to another without legal authority or consent of the owner.

(b) Animal abuse in the second degree is a misdemeanor.

(c) *Subsection (a) shall not be applicable to:*

- (1) accepted veterinary practices and activities carried on for scientific research by public or private schools or universities or medical institutions;*
- (2) the shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;*
- (3) cockfighting in a manner and at such times and places as are authorized by law;*
- (4) measures necessary to avert harm by an animal that poses a present and immediate danger to the safety of people or other animals;*
- (5) the killing of animals for food; or*
- (6) the proper disinfestation of rodents, insects and arachnids.*

#### 9 GUAM CODE ANN. § 70.10.1 (2017). Animal Abuse in the First Degree.

(a) A person commits the crime of animal abuse in the first degree if the person intentionally, knowingly or recklessly, except as otherwise authorized by law:

- (1) causes serious physical injury to the animal(s), cruelly causes the death of the animal(s) or tortures the animal(s); or

(2) fails to provide minimum care for the animal(s) in the person's custody or control, and the failure to provide care results in serious physical injury or death to the animal(s).

(b) Animal abuse in the first degree is a third-degree felony.

(c) *Subsection (a) of this Section shall not be applicable to:*

*(1) accepted veterinary practices and activities carried on for scientific research by public or private schools or universities or medical institutions;*

*(2) the shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;*

*(3) cockfighting in a manner and at such times and places as are authorized by law;*

*(4) measures necessary to avert harm by an animal that poses a present and immediate danger to the safety of people or other animals;*

*(5) the killing of animals for food; or*

*(6) the proper disinfestation of rodents, insects and arachnids.*

**10 GUAM CODE ANN. § 34110 (2017). 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 ANN. § 34111 (2017). 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 ANN. § 34112 (2017). Pet trespassing on private property.**

(a) Any person who shall observe a pet to be trespassing on land or premises not owned or possessed by owner of the pet shall report such trespass to the Pet Control Unit.

*(b) It shall be unlawful for any person to kill a pet not owned by him except in any of the following cases or as otherwise provided in this Article*

*(1) The pet is found in the act of killing, wounding or persistently pursuing livestock or poultry on land or premises not owned or possessed by the pet owner;*

*(2) The person has such proof as conclusively shows that the pet has recently engaged in killing or wounding his livestock or poultry on land or premises owned by him.*

*Any person killing or injuring a pet pursuant to action taken by him as authorized under any section of this Article shall not incur any financial liability to the owner of such pet.*

**10 GUAM CODE ANN. § 34210 (2017). Penalties.**

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

**4. COUNSELING / EVALUATIONS**

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**5. PROTECTIVE ORDERS**

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## **6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS**

### **9 GUAM CODE ANN. § 80.50 (2017). 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 ANN. § 34117 (2017). 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 ANN. § 34125 (2017). 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 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 ANN. § 34209 (2017). 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.*

## **7. SEIZURE / ON-SITE SUPERVISION**

### **9 GUAM CODE ANN. § 70.10.3 (2017). Authority to Enter Premises and Court Proceedings.**

*(a) If there is probable cause to believe that any animal is being subjected to treatment in violation of § 70.10, § 70.10.1 or § 70.10.2 of this Chapter, any officer under exigent circumstances may enter the premises to impound the animal(s). Notice of said impoundment shall be conspicuously posted on the premises.*

*(1) An officer is not liable for any damages for an entry under Subsection (a) of this Section unless the damages were caused by reckless behavior.*

*(2) Any animal(s) so impounded shall be held at the animal care facility designated pursuant to § 34118 of Chapter 34, Title 10 GCA.*

### **10 GUAM CODE ANN. § 34117 (2017). 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 ANN. § 34121 (2017). 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 ANN. § 34209 (2017). 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.

## **8. FORFEITURE / POSSESSION**

### **10 GUAM CODE ANN. § 34117 (2017). 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 ANN. § 34209 (2017). 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.

## 9. CROSS ENFORCEMENT / REPORTING

### 9 GUAM CODE ANN. § 70.11 (2017). Dogfighting: Defined: Penalty.

(a)

(1) *Dogfight* means a fight, arranged by any person, between two (2) or more dogs the purpose or probable result of which fight is the infliction of injury by one (1) dog upon another.

(2) *Baiting* means to provoke or to harass an animal with one (1) or more animals and/or with drugs or other substances for the purpose of training an animal to engage in a dogfight.

(b) A person commits a third degree felony if he knowingly:

(1) owns, possesses, keeps, trains, promotes, purchases, or sells any dog(s) with the intent that the dog(s) shall be engaged in a dogfight;

(2) gambles or bets on the outcome of a dogfight and/or baiting;

(3) for amusement or gain, causes, allows, or permits any dog(s) to fight with another dog or other animal or causes any dog(s) to injure each other or other animal; or

(4) is a spectator at an event involving the fighting of a dog(s).

Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3) and (4) of this paragraph 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 Ten Thousand Dollars (\$10,000) or both per violation.

(c) A person commits a third degree felony if he:

(1) keeps, uses, be connected with or interested in the management of, or receives money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting and/or baiting a dog(s);

(2) permits or suffers a place owned or controlled by him to be used as provided in Item (1) of this paragraph;

(3) permits or suffers a place leased by him to be used as provided in Item (1) of this paragraph;

(4) be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in Item (1) of this paragraph; or

(5) promotes, hosts or sponsors an activity enumerated in Item (1) of this paragraph.

Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3), (4) and (5) of this paragraph shall be confinement in a correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a fine of not less than Ten Thousand Dollars (\$10,000) and no more than Fifteen Thousand Dollars (\$15,000) or both per violation. Additionally, any person convicted of any violation of this paragraph may be subject to seizure of any personal property, including vehicles, and real property at which the dogfight was staged.

(d) Seizure of Dogs.

(1) A judge may order the seizure of alleged fighting dogs owned, possessed or kept by any person.

(2) The judge issuing an order for the seizure of a dog(s) as provided in Item (1) of this paragraph may require the dog(s) to be impounded at an animal shelter or veterinary clinic or hospital. The government unit which executes the seizure shall be responsible for the cost of impoundment at the animal shelter, but the governmental unit is entitled to receive reimbursement of those costs from the owner, possessor or keeper of the impounded dog(s). If the owner, possessor or keeper of the dog(s) is subsequently convicted of dogfighting under this Section, the Court may order the defendant to pay the costs as restitution in the case.

(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 dogfighting incidents that come to their attention through the provision of medical services to dogs 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.*

## 10. VETERINARIAN REPORTING / IMMUNITY

### 9 GUAM CODE ANN. § 70.11 (2017). Dogfighting: Defined: Penalty.

(a)

(1) *Dogfight* means a fight, arranged by any person, between two (2) or more dogs the purpose or probable result of which fight is the infliction of injury by one (1) dog upon another.

(2) *Baiting* means to provoke or to harass an animal with one (1) or more animals and/or with drugs or other substances for the purpose of training an animal to engage in a dogfight.

(b) A person commits a third degree felony if he knowingly:

(1) owns, possesses, keeps, trains, promotes, purchases, or sells any dog(s) with the intent that the dog(s) shall be engaged in a dogfight;

(2) gambles or bets on the outcome of a dogfight and/or baiting;

(3) for amusement or gain, causes, allows, or permits any dog(s) to fight with another dog or other animal or causes any dog(s) to injure each other or other animal; or

(4) is a spectator at an event involving the fighting of a dog(s).

Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3) and (4) of this paragraph 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 Ten Thousand Dollars (\$10,000) or both per violation.

(c) A person commits a third degree felony if he:

(1) keeps, uses, be connected with or interested in the management of, or receives money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting and/or baiting a dog(s);

(2) permits or suffers a place owned or controlled by him to be used as provided in Item (1) of this paragraph;

(3) permits or suffers a place leased by him to be used as provided in Item (1) of this paragraph;

(4) be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in Item (1) of this paragraph; or

(5) promotes, hosts or sponsors an activity enumerated in Item (1) of this paragraph.

Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3), (4) and (5) of this paragraph shall be confinement in a correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a fine of not less than Ten Thousand Dollars (\$10,000) and no more than Fifteen Thousand Dollars (\$15,000) or both per violation. Additionally, any person convicted of any violation of this paragraph may be subject to seizure of any personal property, including vehicles, and real property at which the dogfight was staged.

(d) Seizure of Dogs.

(1) A judge may order the seizure of alleged fighting dogs owned, possessed or kept by any person.

(2) The judge issuing an order for the seizure of a dog(s) as provided in Item (1) of this paragraph may require the dog(s) to be impounded at an animal shelter or veterinary clinic or hospital. The government unit which executes the seizure shall be responsible for the cost of impoundment at the animal shelter, but the governmental unit is entitled to receive reimbursement of those costs from the owner, possessor or keeper of the impounded dog(s). If the owner, possessor or keeper of the dog(s) is subsequently convicted of dogfighting under this Section, the Court may order the defendant to pay the costs as restitution in the case.

(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 dogfighting incidents that come to their attention through the provision of medical services to dogs 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.*

## **11. LAW ENFORCEMENT POLICIES**

### **10 GUAM CODE ANN. § 34121 (2017). 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 ANN. § 34209 (2017). 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.

## 12. SEXUAL ASSAULT

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### 13. FIGHTING

#### 9 GUAM CODE ANN. § 70.11 (2017). Dogfighting: Defined: Penalty.

(a)

*(1) Dogfight means a fight, arranged by any person, between two (2) or more dogs the purpose or probable result of which fight is the infliction of injury by one (1) dog upon another.*

*(2) Baiting means to provoke or to harass an animal with one (1) or more animals and/or with drugs or other substances for the purpose of training an animal to engage in a dogfight.*

*(b) A person commits a third degree felony if he knowingly:*

*(1) owns, possesses, keeps, trains, promotes, purchases, or sells any dog(s) with the intent that the dog(s) shall be engaged in a dogfight;*

*(2) gambles or bets on the outcome of a dogfight and/or baiting;*

*(3) for amusement or gain, causes, allows, or permits any dog(s) to fight with another dog or other animal or causes any dog(s) to injure each other or other animal; or*

*(4) is a spectator at an event involving the fighting of a dog(s).*

*Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3) and (4) of this paragraph 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 Ten Thousand Dollars (\$10,000) or both per violation.*

*(c) A person commits a third degree felony if he:*

*(1) keeps, uses, be connected with or interested in the management of, or receives money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting and/or baiting a dog(s);*

*(2) permits or suffers a place owned or controlled by him to be used as provided in Item (1) of this paragraph;*

*(3) permits or suffers a place leased by him to be used as provided in Item (1) of this paragraph;*

*(4) be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in Item (1) of this paragraph; or*

*(5) promotes, hosts or sponsors an activity enumerated in Item (1) of this paragraph.*

*Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3), (4) and (5) of this paragraph shall be confinement in a correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a fine of not less than Ten Thousand Dollars (\$10,000) and no more than Fifteen Thousand Dollars (\$15,000) or both per violation. Additionally, any person convicted of any violation of this paragraph may be subject to seizure of any personal property, including vehicles, and real property at which the dogfight was staged.*

*(d) Seizure of Dogs.*

*(1) A judge may order the seizure of alleged fighting dogs owned, possessed or kept by any person.*

*(2) The judge issuing an order for the seizure of a dog(s) as provided in Item (1) of this paragraph may require the dog(s) to be impounded at an animal shelter or veterinary clinic or hospital. The government unit which executes the seizure shall be responsible for the cost of impoundment at the animal shelter, but the governmental unit is entitled to receive reimbursement of those costs from the owner, possessor or keeper of the impounded dog(s). If the owner, possessor or keeper of the dog(s) is subsequently convicted of dogfighting under this Section, the Court may order the defendant to pay the costs as restitution in the case.*

*(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 dogfighting incidents that come to their attention through the provision of medical services to dogs 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.*

**10 GUAM CODE ANN. § 34205 (2017). Animal Care.**

*(a) No person who has an animal or animals in his custody or control shall fail to provide the animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, space to exercise, an area which is reasonably clean and free of excrement which may be injurious to the health of the animal(s), veterinary care when needed to prevent suffering, and with other humane care and treatment as necessary to preserve the health and well-being of the animal(s).*

*(b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate or permit any dogfight, bullfight or other combat between animals with the exception of cockfighting as regulated by the Cockpit License Board.*

(c) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to an officer.

(f) Only a licensed veterinarian shall perform ear cropping or tail docking on an animal, which shall be performed in accordance with the American Veterinarian Medical Association policy, and the veterinarian shall counsel pet owners about this matter before agreeing to perform these surgeries and shall record said consultation in the pet's record.

## 14. REFERENCED STATUTES

### 9 GUAM CODE ANN. § 70.01 (2017). Cruelty to Animals; Definitions.

For purposes of this Chapter:

- (a) *Animal* means a domestic animal, a household pet or a wild animal in captivity.
- (b) *Domestic animal* means any animal, other than livestock, that is owned or possessed by a person.
- (c) *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, according to accepted practices of veterinary medicine or animal husbandry.
- (d) *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 owner, includes, but is *not* limited to, the following requirements:
  - (1) food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
  - (2) open or adequate access to potable water in sufficient quantity to satisfy the animal's needs;
  - (3) access to a structure sufficient to protect the animal from wind, rain, or sun;
  - (4) veterinary care deemed necessary by a reasonably prudent person to relieve 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).
- (e) *Officer* means a member of the Guam Police Department, a Mayor of Guam, an Animal Control 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.
- (f) *Physical injury* means physical trauma, impairment of physical condition or substantial pain.

(g) *Physical trauma* means fractures, cuts, punctures, bruises, burns or other wounds.

(h) *Serious physical injury* means physical injury that creates a substantial risk of death or that causes protracted disfigurement, impairment of health or impairment to the function of a limb or bodily organ.

(i) *Torture* means an action taken for the primary purpose of inflicting pain.

**9 GUAM CODE ANN. § 70.10 (2017). Cruelty to Animals: Defined; Exceptions; Penalty.**

(a) A person commits the crime of animal abuse in the second degree if the person intentionally, knowingly or recklessly, except as otherwise authorized by law:

(1) causes physical injury to an animal;

(2) fails to provide minimum care for the animal(s) in such person's custody and control, and the failure to provide such minimum care causes physical injury to the animal(s); or

(3) kills, impounds or injures any animal belonging to another without legal authority or consent of the owner.

(b) Animal abuse in the second degree is a misdemeanor.

(c) Subsection (a) shall not be applicable to:

(1) accepted veterinary practices and activities carried on for scientific research by public or private schools or universities or medical institutions;

(2) the shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;

(3) cockfighting in a manner and at such times and places as are authorized by law;

(4) measures necessary to avert harm by an animal that poses a present and immediate danger to the safety of people or other animals;

(5) the killing of animals for food; or

(6) the proper disinfestation of rodents, insects and arachnids.

**9 GUAM CODE ANN. § 70.10.1 (2017). Animal Abuse in the First Degree.**

(a) A person commits the crime of animal abuse in the first degree if the person intentionally, knowingly or recklessly, except as otherwise authorized by law:

(1) causes serious physical injury to the animal(s), cruelly causes the death of the animal(s) or tortures the animal(s); or

(2) fails to provide minimum care for the animal(s) in the person's custody or control, and the failure to provide care results in serious physical injury or death to the animal(s).

(b) Animal abuse in the first degree is a third-degree felony.

(c) Subsection (a) of this Section shall not be applicable to:

(1) accepted veterinary practices and activities carried on for scientific research by public or private schools or universities or medical institutions;

(2) the shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;

(3) cockfighting in a manner and at such times and places as are authorized by law;

(4) measures necessary to avert harm by an animal that poses a present and immediate danger to the safety of people or other animals;

(5) the killing of animals for food; or

(6) the proper disinfestation of rodents, insects and arachnids.

**9 GUAM CODE ANN. § 70.10.2 (2017). Animal Abandonment.**

(a) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal at a location without providing 'minimum care' as defined in this Chapter.

(b) Animal abandonment is a petty misdemeanor.

**9 GUAM CODE ANN. § 70.10.3 (2017). Authority to Enter Premises and Court Proceedings.**

(a) If there is probable cause to believe that any animal is being subjected to treatment in violation of § 70.10, § 70.10.1 or § 70.10.2 of this Chapter, any officer under exigent circumstances may enter the premises to impound the animal(s). Notice of said impoundment shall be conspicuously posted on the premises.

(1) An officer is not liable for any damages for an entry under Subsection (a) of this Section unless the damages were caused by reckless behavior.

(2) Any animal(s) so impounded shall be held at the animal care facility designated pursuant to § 34118 of Chapter 34, Title 10 GCA.

**9 GUAM CODE ANN. § 70.11 (2017). Dogfighting: Defined: Penalty.**

(a)

(1) *Dogfight* means a fight, arranged by any person, between two (2) or more dogs the purpose or probable result of which fight is the infliction of injury by one (1) dog upon another.

(2) *Baiting* means to provoke or to harass an animal with one (1) or more animals and/or with drugs or other substances for the purpose of training an animal to engage in a dogfight.

(b) A person commits a third degree felony if he knowingly:

(1) owns, possesses, keeps, trains, promotes, purchases, or sells any dog(s) with the intent that the dog(s) shall be engaged in a dogfight;

(2) gambles or bets on the outcome of a dogfight and/or baiting;

(3) for amusement or gain, causes, allows, or permits any dog(s) to fight with another dog or other animal or causes any dog(s) to injure each other or other animal; or

(4) is a spectator at an event involving the fighting of a dog(s).

Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3) and (4) of this paragraph 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 Ten Thousand Dollars (\$10,000) or both per violation.

(c) A person commits a third degree felony if he:

(1) keeps, uses, be connected with or interested in the management of, or receives money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting and/or baiting a dog(s);

(2) permits or suffers a place owned or controlled by him to be used as provided in Item (1) of this paragraph;

(3) permits or suffers a place leased by him to be used as provided in Item (1) of this paragraph;

(4) be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in Item (1) of this paragraph; or

(5) promotes, hosts or sponsors an activity enumerated in Item (1) of this paragraph.

Notwithstanding any other provision of law, the penalty for violations of Items (1), (2), (3), (4) and (5) of this paragraph shall be confinement in a correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a fine of not less than Ten Thousand Dollars (\$10,000) and no more than Fifteen Thousand Dollars (\$15,000) or both per violation. Additionally, any person convicted of any violation of this paragraph may be subject to seizure of any personal property, including vehicles, and real property at which the dogfight was staged.

(d) Seizure of Dogs.

(1) A judge may order the seizure of alleged fighting dogs owned, possessed or kept by any person.

(2) The judge issuing an order for the seizure of a dog(s) as provided in Item (1) of this paragraph may require the dog(s) to be impounded at an animal shelter or veterinary clinic or hospital. The government unit which executes the seizure shall be responsible for the cost of impoundment at the animal shelter, but the governmental unit is entitled to receive reimbursement of those costs from the owner, possessor or keeper of the impounded dog(s). If the owner, possessor or keeper of the dog(s) is subsequently convicted of dogfighting under this Section, the Court may order the defendant to pay the costs as restitution in the case.

(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 dogfighting incidents that come to their attention through the provision of medical services to dogs 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.

**9 GUAM CODE ANN. § 80.30 (2017). 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 ANN. § 80.31 (2017). 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.

**9 GUAM CODE ANN. § 80.34 (2017). 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 ANN. § 80.50 (2017). 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 ANN. § 34101 (2017). 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 ANN. § 34110 (2017). 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 ANN. § 34111 (2017). 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 ANN. § 34112 (2017). Pet trespassing on private property.**

(a) Any person who shall observe a pet to be trespassing on land or premises not owned or possessed by owner of the pet shall report such trespass to the Pet Control Unit.

(b) It shall be unlawful for any person to kill a pet not owned by him except in any of the

following cases or as otherwise provided in this Article

(1) The pet is found in the act of killing, wounding or persistently pursuing livestock or poultry on land or premises not owned or possessed by the pet owner;

(2) The person has such proof as conclusively shows that the pet has recently engaged in killing or wounding his livestock or poultry on land or premises owned by him.

Any person killing or injuring a pet pursuant to action taken by him as authorized under any section of this Article shall not incur any financial liability to the owner of such pet.

**10 GUAM CODE ANN. § 34117 (2017). 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 ANN. § 34121 (2017). 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 ANN. § 34125 (2017). 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 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 ANN. § 34201 (2017). 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:

- (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.

#### **10 GUAM CODE ANN. § 34205 (2017). Animal Care.**

(a) No person who has an animal or animals in his custody or control shall fail to provide the animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, space to exercise, an area which is reasonably clean and free of excrement which may be injurious to the health of the animal(s), veterinary care when needed to prevent suffering, and with other humane care and treatment as necessary to preserve the health and well-being of the animal(s).

(b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate or permit any dogfight, bullfight or other combat between animals with

the exception of cockfighting as regulated by the Cockpit License Board.

(c) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to an officer.

(f) Only a licensed veterinarian shall perform ear cropping or tail docking on an animal, which shall be performed in accordance with the American Veterinarian Medical Association policy, and the veterinarian shall counsel pet owners about this matter before agreeing to perform these surgeries and shall record said consultation in the pet's record.

**10 GUAM CODE ANN. § 34209 (2017). 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.

**10 GUAM CODE ANN. § 34210 (2017). Penalties.**

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