2014 NOTE: Public Law 13-185 (Sept. 2, 1976) established the Criminal and Correctional Code, which was a separate publication. In the Introduction to the Criminal and Correctional Code (1977), the Compiler of Laws stated that it was a "whole new Code and should be interpreted as such. It follows closely the American Law Institute's Model Penal Code of 1962." The 1977 publication included Notes and Comments from the Law Revision Commission, which were revised by the Compiler. The Criminal and Correctional Code (1977) as adopted by P.L. 13-185 and amended by the Guam Legislature, was "recodified" as Title 9 of the Guam Code Annotated pursuant to P.L. 15-104:8 (Mar. 5, 1980). The annotations from the 1977 publication were included in Title 9 when it was added to the GCA, and have been retained in past print publications of the GCA. For historical purposes, these annotations are included herein.

The Source notes have been updated to reflect subsequent changes to each provision. Unless otherwise indicated, the Notes and Comments have been retained as they were printed in past publications of the GCA.

CHAPTER 25
SEXUAL OFFENSES

SOURCE: This Chapter repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979).

§ 25.10. Definitions.
§ 25.15. First Degree Criminal Sexual Conduct.
§ 25.20. Second Degree Criminal Sexual Conduct.
§ 25.25. Third Degree Criminal Sexual Conduct.
§ 25.30. Fourth Degree Criminal Sexual Conduct.
§ 25.35. Assault with Intent to Commit Criminal Sexual Conduct.
§ 25.40. Victim's Testimony Need Not be Corroborated.
§ 25.45. Resistance Not Required.
§ 25.50. Interfering with the Reporting of Criminal Sexual Conduct.

§ 25.10. Definitions.

(a) As used in this Chapter:

(1) "Actor" means a person accused of criminal sexual conduct;

(2) "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the victim or that the victim failed to resist a particular sexual act.

(A) A person who is mentally incapacitated or physically helpless as defined by this Chapter cannot consent to a sexual act.

(B) Corroboration of the victim's testimony is not required to show lack of consent.

(3) "Force" or "Coercion" includes, but is not limited to, any of the following circumstances:

(A) when the actor overcomes the victim through the actual application of physical force or physical violence;

(B) when the actor coerces the victim to submit by threatening to use force or violence on the victim and the victim believes that the actor has the present ability to execute these threats;

(C) when the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim believes that the actor has the ability to execute this threat. As used in this Subsection, to retaliate includes threats of physical punishment, kidnapping, or extortion;

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(D) when the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable; or

(E) when the actor, through concealment or by the element of surprise, is able to overcome the victim.

(4) "Intimate Parts" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being;

(5) "Mentally Impaired" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his or her conduct;

(6) "Mentally Incapacitated" means

(A) that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent; or

(B) that a person is voluntarily under the influence of any substance or substances to a degree that renders them incapable of consenting or incapable of appreciating, understanding, or controlling the person's conduct.

(7) "Physically Helpless" means that a person is

(A) unconscious,

(B) asleep,

(C) unable to withhold consent or to withdraw consent because of a physical condition, or

(D) for any other reason, is physically unable to communicate unwillingness to an act;

(8) "Personal Injury" means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(9) "Sexual Contact" includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification;

(10) "Sexual Penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required; and

(11) "Victim" means the person alleging to have been subjected to criminal sexual conduct.

(12) "Relationship by blood" means a relationship between persons arising by descent from a common ancestor or a relationship by birth rather than by marriage. The degree of consanguinity is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.

(13) "Affinity" is the relation existing in consequence of marriage between each of the married persons and the blood relatives of the other. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.

(14) "Dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(A) the length of the relationship;

(B) the nature of the relationship; and

(C) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

(15) "Adoption" refers to the act where an adult formally becomes the guardian of a child and incurs the rights and obligations of a parent.

(b) [Implicitly repealed by P.L. 38-016:4 (June 17, 2025).]

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Subsection (a) amended by P.L. 36-101:2 (June 15, 2022). Subsections (a)(11)-(15) added; subsection (b) implicitly repealed by P.L. 38-016:4 (June 17, 2025).

2026 NOTE: Prior to the implicit repeal by P.L. 38-016:4 (June 17, 2025), subsection (b) stated:

> (b) Whenever in this Chapter the criminality of conduct depends on a child's being below the age of fourteen (14), it is no defense that the defendant reasonably believed the child to be fourteen (14) or older. Whenever in this Chapter the criminality of conduct depends on a child's being below a specified age older than fourteen (14), it is an affirmative defense that the defendant reasonably believed the child to be of that age or above.

2025 NOTE: Subsection designations in (a)(14) modified pursuant to the authority of 1 GCA § 1606.

2022 NOTE: Pursuant to the amendment of subsection (a) by P.L. 36-101:2 (June 15, 2022), the following annotation is moot:

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606 and to maintain the general codification scheme of the GCA, the Compiler altered the numbers/letters in subsection (a)(2) to adhere to the Compiler's alpha-numeric scheme.

§ 25.15. First Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with the victim and if any of the following circumstances exists:

(1) the victim is under fourteen (14) years of age;

(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and any of the following circumstances exists:

(A) the actor is a member of the same household as the victim;

(B) the actor is related to the victim by blood, adoption or affinity to the fourth degree to the victim, or

(C) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;

(D) the actor is a teacher, substitute teacher, intern/student teacher or administrator of the public school, nonpublic school, school district, in which that other person is enrolled;

(E) the actor is an employee or a contractual service provider of the public school, nonpublic school, or school district, in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of the government of Guam or government of the United States assigned to provide any service to that public school,

nonpublic school, or school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person;

(F) the actor is an employee, contractual service provider, or volunteer of a child care facility, or a person licensed or lawfully authorized to operate a foster care facility or home or a foster care group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency;

(G) the actor is an employee, contractual service provider, or volunteer of a social services organization, victims' advocacy organization, youth correctional or detention facility, drug treatment facility or medical, psychiatric or psychological treatment facility and the sexual penetration occurs during the period of that other person's residency; or

(H) the actor is in a dating relationship with a member of the victim's household.

(3) sexual penetration occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual penetration.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration; and

(7) the actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the first degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.15(a) shall be sentenced to a minimum of fifteen (15) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of twenty-five (25) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment.

(c) Any person convicted of criminal sexual conduct under § 25.15(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration, as defined in § 25.10 of this Chapter shall be sentenced to a minimum of twenty-five (25) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Amended by P.L. 32-012:2 (Apr. 11, 2013), effective upon enactment and shall apply prospectively pursuant to P.L. 32-012:3. Subsection (b) amended by P.L. 19-

006:6 (Aug. 26, 1987). Subsection (b) repealed and reenacted by P.L. 23-114:1 (July 26, 1996). Subsection (c) amended by P.L. 36-018:1 (Apr. 9, 2021). Subsection (a)(4)-(7) amended by P.L. 36-101:3 (June 15, 2022). Subsection (b) amended by P.L. 37-098:2 (June 5, 2024). Subsection (a)(2) amended by P.L. 38-016:2 (June 17, 2025).

§ 25.20. Second Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:

(1) that other person is under fourteen (14) years of age;

(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and any of the following circumstances exist:

(A) the actor is a member of the same household as the victim;

(B) the actor is related to the victim by blood, adoption or affinity to the fourth degree to the victim; or

(C) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;

(D) the actor is a teacher, substitute teacher, intern/student teacher or administrator of the public school, nonpublic school, school district, in which that other person is enrolled;

(E) the actor is an employee or a contractual service provider of the public school, nonpublic school, school district, in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of the government of Guam or government of the United States assigned to provide any service to that public school, nonpublic school, school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person;

(F) the actor is an employee, contractual service provider, or volunteer of a child care facility, or a person licensed or lawfully authorized to operate a foster care facility or home or a foster care group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency;

(G) the actor is an employee, contractual service provider, or volunteer of a social services organization, victims' advocacy organization, youth correctional or detention facility, drug treatment facility or medical, psychiatric or psychological treatment facility and the sexual penetration occurs during the period of that other person's residency; or

(H) the actor is in a dating relationship with a member of the victim's household.

(3) sexual contact occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual contact.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact; and

(7) the actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the second degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.20(a) shall be sentenced to a minimum of five (5) years to a maximum of fifteen (15) years imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of ten (10) years to a maximum of twenty (20) years imprisonment if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall parole be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment.

(c) Any person convicted of criminal sexual conduct under § 25.20(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 shall be sentenced to a minimum of fifteen (15) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Amended by P.L. 32-012:2 (Apr. 11, 2013), effective upon enactment and shall apply prospectively pursuant to P.L. 32-012:3. Subsection (b) amended by P.L. 19-006:7. Subsection (c) amended by P.L. 36-018:2 (Apr. 9, 2021). Subsection (a)(4)-(7) amended by P.L. 36-101:4 (June 15, 2022). Subsection (b) amended by P.L. 37-098:3 (June 5, 2024). Subsection (a)(2) amended by P.L. 38-016:3 (June 17, 2025).

§ 25.25. Third Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exists:

(1) that other person is at least fourteen (14) years of age and under sixteen (16) years of age;

(2) force or coercion is used to accomplish the sexual penetration; and

(3) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the third degree is a felony of the second degree except as provided in (c).

(c) Aggravated Third Degree Criminal Sexual Conduct. A person who is eighteen (18) years of age or older, who commits criminal sexual conduct in the third degree pursuant to § 25.25(a)(1) of this Chapter against a victim who is at least (14) years of age and under sixteen (16) years of age, and where the act involved any of the following circumstances:

(1) the use of force or coercion;

(2) the actor is more than five (5) years older than the victim;

(3) the actor occupies a position of authority or supervision over the victim; or

(4) the actor has a prior conviction for criminal sexual conduct, shall be guilty of a felony of the first degree and shall be sentenced to a term of confinement of not less than Twelve (12) years and no more than twenty-five (25) years.

The term imposed shall not be suspended; nor shall probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release, or educational programs outside the confines of prison be granted. The provisions of § 80.39.1, the Justice Safety Valve, shall not apply.

(d) Close-in-Age Mitigation. Notwithstanding subsection (c), if the victim is fourteen (14) or fifteen (15) and the offender was not more than (4) years older than the victim, and the act was consensual as defined in § 25.10(a)(2), the offense shall remain a felony of the second degree, and the offender shall not be required to register under the Sex Offender Registration and Notification Act pursuant to § 89.01(d)(8).

(e) Any person previously convicted of criminal sexual conduct under § 25.25(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 of this Chapter shall be sentenced to ten (10) years imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Subsection (c) added by P.L. 36-018:3 (Apr. 9, 2021). Subsection (a)(3) amended by P.L.36-101:5 (June 15, 2022). Subsection (b) amended; former subsection (c) renumbered to (e); new subsection (c), (d) added by P.L. 38-083:1 (Dec. 20, 2025).

§ 25.30. Fourth Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exists:

(1) force or coercion is used to accomplish the sexual contact;

(2) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless;

(3) the victim is at least fourteen (14) years of age and under sixteen (16) years of age.

(b) Criminal sexual conduct in the fourth degree is a felony of the third degree, except, where the actor is a first time offender and the victim is eighteen (18) years of age or older, it shall be a misdemeanor.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Subsection (b) is amended by P.L. 20-209:1 (Aug. 22, 1990). Amended by P.L. 36-079:1 (Feb. 9, 2022). Subsection (a)(2) amended by P.L.36-101:6 (June 15, 2022).

§ 25.35. Assault with Intent to Commit Criminal Sexual Conduct.

Assault with intent to commit criminal sexual conduct involving penetration is a felony in a third degree.

§ 25.40. Victim's Testimony Need Not be Corroborated.

The testimony of a victim need not be corroborated in prosecutions under §§ 25.15 through 25.35.

§ 25.45. Resistance Not Required.

A victim need not resist the actor for a proper prosecution under §§ 25.15 through 25.35.

§ 25.50. Interfering with the Reporting of Criminal Sexual Conduct.

(a) Any person commits the crime of interfering with the reporting of criminal sexual conduct if the person:

(1) commits any act of criminal sexual conduct or assists in or abets any act of criminal sexual conduct, as enumerated in this Chapter and

(2) intentionally, knowingly, or recklessly prevents or attempts, either directly or through other persons, to prevent the victim of or a witness to that act of criminal sexual conduct from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement officer or other official.

(b) Commission of, or assisting in or abetting a crime of criminal sexual conduct under this chapter is a necessary element of the crime of interfering with the reporting of criminal sexual conduct.

(c) Interference with the reporting of crimes of criminal sexual conduct is a felony of the third degree.

SOURCE: Added by P.L. 38-070:1 (Oct. 17, 2025).

CROSS REFERENCE: 9 GCA § 19.82, added by P.L. 38-070:2 (Oct. 17, 2025).
