

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
138-38 (COR) As amended by the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement; and further amended on the Floor.	V. Anthony Ada Telo T. Taitague Therese M. Terlaje Chris Barnett Frank F. Blas, Jr. Vincent A.V. Borja Jesse A. Lujan Tina Rose Muña-Barnes William A. Parkinson Sabina Flores Perez Sabrina Salas Matanane	AN ACT TO <i>AMEND</i> §7.58 OF ARTICLE 2, CHAPTER 7, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO HOLDING PERSONS CRIMINALLY RESPONSIBLE FOR CRIMES COMMITTED AFTER KNOWINGLY, WILLINGLY OR INTENTIONALLY CONSUMING ALCOHOL AND OTHER SUBSTANCES BY REPEALING THE LIMITATIONS OF THE INTOXICATION DEFENSE.	5/8/25 1:21 p.m.	5/15/25	Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement.	Request: 5/15/25 Waiver: 5/19/25	7/10/25 9:00 a.m.	12/23/25 As Amended.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	1/26/26	AN ACT TO <i>AMEND</i> § 7.58 OF ARTICLE 2, CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOLDING PERSONS CRIMINALLY RESPONSIBLE FOR CRIMES COMMITTED AFTER KNOWINGLY, WILLINGLY OR INTENTIONALLY CONSUMING ALCOHOL AND OTHER SUBSTANCES BY REPEALING THE LIMITATIONS OF THE INTOXICATION DEFENSE.	1/29/26	1/29/26	2/10/26				



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I MINA'TRENTAI OCHO NA LIHESLATURAN GUAHAN
Thirty-Eighth Guam Legislature

January 29, 2026

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are Bill Nos. 29-38 (COR), 79-38 (COR), 138-38 (COR), 150-38 (LS), 162-38 (COR), 169-38 (COR), 195-38 (COR), 202-38 (COR), 210-38 (COR), 215-38 (COR), 217-38 (COR), 240-38 (LS), 251-38 (COR), and Substitute Bill No. 235-38 (COR) which were passed by *I Mina'trentai Ocho Na Liheslaturan Guahan* on January 29, 2026.

Sincerely,

Senator Sabrina Salas Matanane
Legislative Secretary

Enclosure (14)

Jessi Castro

7:04pm, 1.29.26



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I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

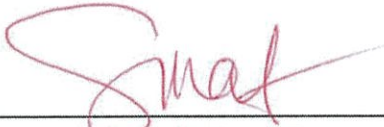
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 138-38 (COR)**, "AN ACT TO *AMEND* § 7.58 OF ARTICLE 2, CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOLDING PERSONS CRIMINALLY RESPONSIBLE FOR CRIMES COMMITTED AFTER KNOWINGLY, WILLINGLY OR INTENTIONALLY CONSUMING ALCOHOL AND OTHER SUBSTANCES BY REPEALING THE LIMITATIONS OF THE INTOXICATION DEFENSE," was on the 29th day of January 2026, duly and regularly passed.



Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 29th day of Jan,
2026, at 7:04 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 138-38 (COR)

As amended by the Committee on Economic Investment,
Military Buildup, Regional Relations, Technology, Regulatory
Affairs, Justice, Elections, and Retirement; and further amended on the Floor.

Introduced by:

V. Anthony Ada
Telo T. Taitague
Therese M. Terlaje
Chris Barnett
Frank F. Blas, Jr.
Vincent A.V. Borja
Jesse A. Lujan
Tina Rose Muña-Barnes
William A. Parkinson
Sabina Flores Perez
Sabrina Salas Matanane
Shelly V. Calvo
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Joe S. San Agustin

**AN ACT TO *AMEND* § 7.58 OF ARTICLE 2, CHAPTER 7,
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO
HOLDING PERSONS CRIMINALLY RESPONSIBLE
FOR CRIMES COMMITTED AFTER KNOWINGLY,
WILLINGLY OR INTENTIONALLY CONSUMING
ALCOHOL AND OTHER SUBSTANCES BY
REPEALING THE LIMITATIONS OF THE
INTOXICATION DEFENSE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that Guam law excludes the use of a mental illness or diminished capacity defense

1 for self-induced intoxication. This exclusion, however, caps the *mens rea* (criminal
2 intent) for crimes committed while intoxicated at “reckless.” This limitation lowers
3 the degree of criminal culpability for certain crimes that include but are not limited
4 to *assault, criminal sexual conduct and criminal homicide*.

5 *I Liheslaturan Guåhan* further finds that arrestees often make statements or
6 excited utterances declaring to be drunk, high, stoned or addicted to avoid
7 responsibility for criminal acts.

8 It is the intent of *I Liheslatura* to remove affirmative defenses or limitations
9 of culpability for crimes committed by those who knowingly consumed alcohol or
10 other intoxicating substances.

11 **Section 2.** § 7.58 of Article 2, Chapter 7, Title 9, Guam Code Annotated, is
12 *amended* to read as follows:

13 **“§ 7.58. Intoxication.**

14 (a) As used in this Section:

15 (1) ‘intoxication’ means an impairment of mental or physical
16 capacities resulting from the introduction of alcohol, drugs or other
17 substances into the body.

18 (2) ‘self-induced intoxication’ means intoxication caused by
19 substances which the person knowingly introduces into his body, the
20 tendency of which to cause intoxication he knows or ought to know,
21 unless he introduces them pursuant to medical advice or under such
22 circumstances as would otherwise afford a defense to a charge of crime.

23 (b) Except as provided in Subsection (d), intoxication is not a
24 defense to a criminal charge. Evidence of intoxication is admissible whenever
25 it is relevant to negate or to establish an element of the offense charged.

1 (c) A person is culpable with respect to an element of the offense,
2 even though his disregard thereof is not conscious, if his not being conscious
3 thereof is due to self-induced intoxication.

4 (d) Intoxication which is not self-induced is an affirmative defense
5 if, by reason of such intoxication, the person at the time of his conduct lacks
6 substantial capacity either to appreciate its wrongfulness or to conform his
7 conduct to the requirements of the law. For purposes of this Section,
8 intoxication caused by or attributed to addiction, substance use disorder
9 (SUD), dependence, habituation or any other compulsion that is attributed to
10 prior uses of alcohol, drugs or other substances is self-induced intoxication
11 and cannot be asserted as an affirmative defense for lack of substantial
12 capacity either to appreciate its wrongfulness or to conform conduct to the
13 requirements of the law.”