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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Bill No. 482-31 (COR), "AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY", was on the 26th day of November 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 28th day of Nov, 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 482-31 (COR)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by: Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
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Judith P. Guthertz, DPA
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Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds, through communication and collaboration with the Office of the Attorney General, that there is a need to update Guam's criminal laws in order to combat the different forms of crimes taking shape over the internet and cyberspace.

I Liheslaturan Guåhan is especially concerned with internet crimes against children. As a matter of reference, P.L. 29-63, which seeks to update Guam's laws to protect children from online predators, was enacted in April 2008. P.L. 29-63 established the penalties for individuals found guilty of crimes involving the solicitation of children and child pornography, including indecent electronic display to a child, electronic enticement of a child as a third degree felony, possession of child pornography, and dissemination of child pornography.

I Liheslaturan Guåhan further finds it necessary to amend the current electronic enticement laws, as recognized and recommended by the Office of the Attorney General, in order to correct a clerical oversight that might have occurred when the current legislation was finalized, resulting in the statute being unclear as to the elements of the crime.

Therefore, *I Liheslatura* intends to correct such clerical and technical error so that there will be no issues as to the clarity and intent of applicable statutes with respect to crimes involving the solicitation of children and child pornography.

Section 2. §§25.01.20, 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, are hereby *amended* to read:

"**§ 25.01.20. Electronic Enticement of a Child as a Third Degree Felony.**

(a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission to solicit, lure, or entice, or attempt to solicit, lure, or entice:

(1) intentionally or knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(C) with another person who represents him *or* herself to be under the age of eighteen (18) years,

(2) with the intent to promote *or* facilitate the commission of an unlawful sexual act or sexual offense in violation of Guam law, or another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01,

is guilty of electronic enticement of a child as a Third Degree Felony.

(b) Electronic enticement of a child under this Section is a Third Degree Felony.

(c) Each separate use of a computer online service, internet service, *or* any other device capable of electronic data storage or transmission wherein an offense described in this Section is committed may be charged as a separate offense.

(d) It *shall not* constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law enforcement was involved in the detection or investigation of a violation of this Section."

"**§ 25.01.30. Electronic Enticement of a Child as a Second Degree Felony.**

(a) Any person who, using a computer online service, internet service, *or* any other device capable of electronic data storage *or* transmission:

(1) intentionally *or* knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(C) with another person who represents him *or* herself to be under the age of eighteen (18) years,

(2) with the intent to promote or facilitate the commission of a felony, *or* another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01, agrees to meet with the minor, or with another person who represents him *or* herself to be a minor under the age of eighteen (18) years; and

(3) intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time,

is guilty of electronic enticement of a child as a Second Degree Felony.

(b) Electronic enticement of a child under this Section is a Second Degree Felony."

"**§ 25.01.40. Electronic Enticement of a Child as a First Degree Felony.**

(a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission:

(1) intentionally or knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(C) with another person who represents him or herself to be under the age of eighteen (18) years,

(2) with the intent to promote or facilitate the commission of a felony:

(A) that is murder or aggravated murder as defined in Title 9 GCA Chapter 16;

(B) that is a first degree felony; or

(C) that is another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01,

agrees to meet with the minor, or with another person who represents him or herself to be a minor under the age of eighteen (18) years; and

(3) intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time,

is guilty of electronic enticement of a child as a First Degree Felony.

(b) Electronic enticement of a child under this Section is a First Degree Felony."

Section 3. Effective Date. This Act *shall* be effective upon enactment.