FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 242-32 (COR), "AN ACT TO *AMEND* §28.65 OF ARTICLE 2 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE,"** was on the 1st day of February, 2014, 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 1ST day of FEB, 2014, at 12:50 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 242-32 (COR)
As amended on the Floor.

Introduced by: Brant T. McCreadie
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §28.65 OF ARTICLE 2 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the crime of indecent exposure is currently classified as a petty misdemeanor in Guam's criminal code. Because of this, the Guam Police Department has had difficulty in arresting individuals who have been accused of committing indecent exposure. In order to ensure that those accused of indecent exposure are properly arrested, it is necessary to increase the penalty for the offense. Therefore, it is the

intent of *I Liheslaturan Guåhan* to increase the penalty for indecent exposure by amending §28.65 of Article 2 of Chapter 28, Title 9, Guam Code Annotated.

Section 2. §28.65 of Article 2 of Chapter 28, Title 9, Guam Code Annotated, is hereby *amended* to read:

"**§ 28.65. Indecent Exposure; Defined & Punished.**

A person commits the crime of indecent exposure if he or she intentionally exposes their genitals or performs any other lewd act under circumstances in which their conduct is likely to be observed by any person who would be offended or alarmed.

Except as provided below, indecent exposure is a misdemeanor. Indecent exposure is a felony in the third degree *if*:

(a) a person intentionally exposes their genitals or intentionally performs any other lewd act to a person under the age of sixteen (16) years; or

(b) a person intentionally exposes their genitals or performs any other lewd act for the purpose of sexual gratification; or

(c) a person has previously been convicted under this Section; or

(d) a person has been convicted of any other sexual offense as defined in a provision of the Guam Code Annotated."

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

Section 4. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.