clerks@guamlegislature.org

From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Thursday, June 16, 2022 12:33 PM
To: Clerks; Rennae Meno
Cc: Speaker Therese M. Terlaje; Vice Speaker Tina Rose Muña Barnes
Subject: Messages and Communications for Doc. Nos. 36GL-22-2140 to 36GL-22-2144*.
Attachments: 36GL-22-2140.pdf; 36GL-22-2141.pdf; 36GL-22-2142.pdf; 36GL-22-2143.pdf; 36GL-22-2144.pdf

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-22-2140 to 36GL-22-2144 for processing:

36GL-22-2140	BILL NO. 242-36 (LS) nka P.L. 36-100 AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS*.	Office of the Governor of Guam
36GL-22-2141	BILL NO. 243-36 (LS) nka P.L. 36-101 AN ACT TO AMEND §§25.10(a), 25.15(a)(4)-(7), 25.20(a)(4)-(7), 25.25(a)(3), AND 25.30(a)(2) OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING "CONSENT," REVISING THE LANGUAGE OF "MENTALLY DEFECTIVE" TO "MENTALLY IMPAIRED," AND EXPANDING THE DEFINITION OF "MENTAL INCAPACITATION" AND "PHYSICALLY HELPLESS"*.	Office of the Governor of Guam
36GL-22-2142	BILL NO. 244-36 (LS) nka P.L. 36-102 AN ACT TO ADD A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022"*.	Office of the Governor of Guam
36GL-22-2143	BILL NO. 300-36 (LS) nka P.L. 36-103 AN ACT TO REPEAL AND REENACT § 5213 OF SUBARTICLE B, ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE REQUIREMENTS OF SMALL PURCHASES*.	Office of the Governor of Guam
36GL-22-2144	BILL NO. 301-36 (LS) nka P.L 36-104 AN ACT TO APPROVE THE SECOND AMENDED AND RESTATED LAND LEASE AGREEMENT BETWEEN THE GUAM POWER AUTHORITY AND GUAM UKUDU POWER LLC, AS LENDERS' CONDITION TO FUND THE CONSTRUCTION OF A 198 MW POWER PLANT AND BATTERY ENERGY STORAGE SYSTEM FACILITY LOCATED ON LOT NOS. 5010-1NEW-NEW-1 AND 5010-1NEW-NEW-R1, DEDEDO, AND A RELATED RESERVE FACILITY LOCATED ON LOT NO. 261-2, PITI, GUAM, AND TO AUTHORIZE THE USE OF THOSE PROPERTIES FOR SUCH PURPOSES*.	Office of the Governor of Guam

Electronic and Hard Copies attached.

Si Yu'os Ma'åse',

COMMITTEE ON RULES
Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

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---------- Forwarded message ---------
From: **Speaker Therese M. Terlaje** <speaker@guamlegislature.org>
Date: Wed, Jun 15, 2022 at 5:07 PM
Subject: Messages and Communications for 36GL-22-2140 to 36GL-22-2144
To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-22-2140 to 36GL-22-2144.

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36GL-22-2142	BILL NO. 244-36 (LS) nka P.L. 36-102 AN ACT TO ADD A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022".*	Office of the Governor of Guam
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Note: Hard Copies were hand delivered and received June 15, 2022 at 3:54 p.m.

Si Yu'os Ma'åse',

Marie Cruz
Community Relations Liaison

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com
website: www.senatorterlaje.com

---------- Forwarded message ---------
From: **Speaker Therese M. Terlaje** <speaker@guamlegislature.org>
Date: Wed, Jun 15, 2022 at 4:48 PM
Subject: Messages and Communications for 36GL-22-2140 to 36GL-22-2144
To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-22-2140 to 36GL-22-2144.*

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Please note that there is one statement for Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS), see attached.

Si Yu'os Ma'åse',

Marie Cruz
Community Relations Liaison

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture
I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com
website: www.senatorterlaje.com

---------- Forwarded message ---------
From: **Brianne LG Dunstan** <brianne.dunstan@guam.gov>
Date: Wed, Jun 15, 2022 at 3:18 PM
Subject: Governor Leon Guerrero's Statements regarding Legislative Bills passed on June 2, 2022
To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Cc: GOVERNOR Lourdes A. Leon Guerrero <governor@guam.gov>, LT. GOVERNOR Joshua F. Tenorio <lt.governor@guam.gov>, Geraldine A. Cepeda <gcepeda@guamcourts.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, Lisa C. Ibanez <libanez@guamcourts.gov>, CHIEF OF STAFF Jon Junior Calvo <jon.calvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Cheerful Catunao <cheerful.catunao@guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, <lester.carlson@bbmr.guam.gov>, BERTHA <bertha.duenas@guam.gov>, Eliza G. Dames (Chamber) <eliza.dames@guam.gov>, Shamra L.A. Chargualaf (Chamber) <shamra.chargualaf@guam.gov>, Josephine C. Cepeda (Chamber) <josephine.cepeda@guam.gov>, Kathleen C. Cepeda (COS) <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, Jessica Cruz (CF) <jessica.cruz@guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker,

Enclosed are copies of statements from the *Honorable,* Lourdes A. Leon Guerrero, regarding the following five (5) bills. Please note that there is one statement for Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS).

- **BILL NO. 242-36 (LS) nka P.L. 36-100** AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS

- **BILL NO. 243-36 (LS) nka P.L. 36-101** AN ACT TO *AMEND* § 25.10(a), 25.15(a)(4)-(7), 25.20(a)(4)-(7), 25.25(a)(3), AND 25.30(a)(2) OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING "CONSENT," REVISING THE LANGUAGE OF "MENTALLY DEFECTIVE" TO "MENTALLY IMPAIRED," AND EXPANDING THE DEFINITION OF "MENTAL INCAPACITATION" AND "PHYSICALLY HELPLESS"

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The original statements and bills will be delivered to your office today.

Thank you.

Respectfully,

--

Brianne LG Dunstan
Unisifan I Maga'hågan Guåhan
Office of the Governor of Guam
Office of Legal Counsel
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Office: 671.473.1118
brianne.dunstan@guam.gov

Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Governor Leon Guerrero's Statements regarding Legislative Bills passed on June 2, 2022

Time changed to reflect actual time received.

Brianne LG Dunstan <brianne.dunstan@guam.gov> Wed, Jun 15, 2022 at ~~3:11~~ 3:18 PM
To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>
Cc: "GOVERNOR Lourdes A. Leon Guerrero" <governor@guam.gov>, "LT. GOVERNOR Joshua F. Tenorio" <lt.governor@guam.gov>, "Geraldine A. Cepeda" <gcepeda@guamcourts.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, "Lisa C. Ibanez" <libanez@guamcourts.gov>, CHIEF OF STAFF Jon Junior Calvo <jon.calvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Cheerful Catunao <cheerful.catunao@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, lester.carlson@bbmr.guam.gov, BERTHA <bertha.duenas@guam.gov>, "Eliza G. Dames (Chamber)" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf (Chamber)" <shamra.chargualaf@guam.gov>, "Josephine C. Cepeda (Chamber)" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda (COS)" <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, "Jessica Cruz (CF)" <jessica.cruz@guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker,

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The original statements and bills will be delivered to your office today.

Thank you.

Respectfully,

--

Brianne LG Dunstan
Unisifan I Maga'hågan Guåhan
Office of the Governor of Guam
Office of Legal Counsel
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Office: 671.473.1118
brianne.dunstan@guam.gov

36GL-22-2140

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

-06- 15 2022

Time: 3:18pm
Received:

36GL-22-2141
36GL-22-2142
36GL-22-2143
36GL-22-2144

3 attachments

Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS) nka P.L. Nos. 36-100, 36-101, and 36-102 Respectively.pdf
755K

Bill No. 300-36 (LS) nka P.L. 36-103.pdf
219K

Bill No. 301-36 (LS) nka P.L. 36-104.pdf
1493K

COMMITTEE ON RULES
RECEIVED:
June 15, 2022
4:48 P.M.

Doc. No. 36GL-22-2142.*

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

June 15, 2022

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **BILL NO. 242-36 (LS) – AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS**

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Hafa Adai Madame Speaker,

Over time, as society grows to further understand the nature of domestic violence and criminal sexual conduct, and the dynamics between aggressors and victims involved in these crimes, it is imperative that the body of governing law likewise evolves. Bill Nos. 242-36, 243-36, and 244-36 are three such efforts, intended to provide victims of domestic and sexual violence access to greater legal protections and rights. Today, I sign these bills into law as Public Law Nos. 36-100, 36-101, and 36-102, respectively, and I thank Senator Mary Torres, the main sponsor of these bills, for her leadership on these important issues.

Bill No. 242-36, now known as ***Public Law No. 36-100***, requires wireless telecommunications service providers to remove or release complaining witnesses from a shared or family wireless service contract upon submission of a written request, along with documented evidence of family violence, sexual assault or stalking in the form of a court order, a police report, or a declaration from certain care providers for the complaining witnesses. The request may be submitted by the complaining witness

themselves, their attorney, or their advocate. Once the request and documentation is provided, the wireless service provider must act within 48 hours to transfer or remove the complaining witness from the shared family plan without charge, penalty, or fee. The bill emphasizes that a conviction is not necessary to effectuate the release. The intent of Bill No. 242-36 is clear and laudable – often, in cases involving domestic violence, sexual assault or stalking, time is of the essence, and immediate steps must be taken to ensure the safety of the complaining witness, including preventing alleged perpetrators of these crimes from tracking or contacting the complaining witnesses, or worse, confronting them in a manner that endangers all parties involved. By ensuring the confidentiality of the complaining witnesses, they can seek the services and support they need when they are vulnerable, and feel empowered to leave abusive circumstances, without potentially exposing them, their children, and their network to further harm.

Bill No. 243-36, now known as ***Public Law No. 36-101***, is a critical measure updating our laws to reflect, among other things, that individuals who are significantly impaired or intoxicated are mentally incapacitated within the meaning of Guam law, such that they cannot consent to a sexual act, regardless of whether such impairment or intoxication was voluntary or involuntary. For too long, perpetrators of sexual assault, in Guam and in similarly situated U.S. jurisdictions, have relied on the fact that their victims *voluntarily* consumed alcohol or other substances as a defense for sexual misconduct committed while these victims were clearly unable to consent. This loophole allowed predators to prey on victims they knew, or should have known, did not have the mental capacity to freely agree to engage in sexual acts. Closing this gap in our statute more accurately represents our community's understanding about the responsibilities we have to each other when we engage in conduct that involves our bodily agency, more fully protects our right to control our bodies, and restores to us the power to decide when and with whom we want to share our most intimate selves.

Bill No. 244-36, now known as ***Public Law No. 36-102***, enacts the Survivor's Bill of Rights. This bill codifies the rights that victims of sexual assault shall have. It encapsulates key priorities to sexual assault survivors, including being treated with respect, dignity and compassion, and providing access to services and advocacy, including access to timely examinations, testing, protection, and support. It further requires publication of the Survivor's Bill of Rights in hospitals, police stations, and school campuses, ensuring that the necessary information is available and readily accessible to affected persons. This Bill will help raise awareness in our communities, that our island stands with survivors of sexual assault, that we support them, and that we are committed to helping them achieve justice, and, ultimately, peace.

Senseremente,

Lou Leon Guerrero

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: Bill No. 242-36 (LS) *nka P.L. No. 36-100*
Bill No. 243-36 (LS) *nka P.L. No. 36-101*
Bill No. 244-36 (LS) *nka P.L. No. 36-102*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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

This is to certify that **Bill No. 244-36 (LS), "AN ACT TO *ADD* A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022,"** was on the 2nd day of June 2022, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 3rd day of June, 2022, at 3:17 o'clock P .M.

Elle V. B

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/15/2022

Public Law No. 36-102

2022-16708
RCVD AT CENTRAL FILES
JUN 3 '22 PM3:17

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 244-36 (LS)
As amended by the Committee on Health,
Land, Justice, and Culture; and further amended on the Floor.

Introduced by:

Mary Camacho Torres
Therese M. Terlaje
Tina Rose Muña Barnes
Amanda L. Shelton
James C. Moylan
Jose "Pedo" Terlaje
V. Anthony Ada
Frank Blas Jr.
Clynton E. Ridgell
Joe S. San Agustin
Christopher M. Dueñas
Sabina Flores Perez
Telena Cruz Nelson
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AN ACT TO *ADD* A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 163 is hereby *added* to Title 8, Guam Code Annotated, to read:

"CHAPTER 163

SURVIVOR'S BILL OF RIGHTS

§ 163.10. Short Title.
§ 163.20. Legislative Findings and Intent.
§ 163.30. Definition of Sexual Assault.
§ 163.40. Bill of Rights.
§ 163.50. Notice of Rights.
§ 163.60. Severability.

§ 163.10. Short Title.

This Act shall be known and may be cited as the "Survivor's Bill of Rights Act of 2022."

§ 163.20. Legislative Findings and Intent.

I Liheslatura finds and declares that the enactment of the "Crime Victim's Rights Act of 2004," established by Public Law 21-96 and amended by Public Law 27-138:2, has resulted in significant advances in the recognition and protection of the rights of crime victims and survivors once they enter the criminal justice system. Nonetheless, victims of sexual assault, more than other victims, are likely to be blamed for the crime, assumed to be fabricating the crime, or taken less seriously than their injuries warrant. These victims are sometimes discouraged from proceeding with their complaints and as a result are not afforded the protections and rights that other crime victims receive in the criminal justice system. Therefore, with no diminution of the legislatively-recognized rights of crime victims, it is the intent of *I Liheslatura* to accord victims of sexual assault with rights which may be easily located in this Chapter.

§ 163.30. Definition of Sexual Assault.

For purposes of this Chapter, the term "sexual assault" means any nonconsensual sexual act proscribed by federal, tribal, state, or Guam law, including when the victim lacks the capacity to consent.

§ 163.40. Bill of Rights.

Victims of sexual assault shall have the following rights:

(a) to have any allegation of sexual assault treated seriously; to be treated with dignity and compassion; and to be notified of existing medical, counseling, mental health, or other services available for victims of criminal sexual conduct, whether or not the crime is reported to law enforcement;

(b) to be free, to the extent consistent with the Organic Act of Guam or the United States Constitution, from any suggestion that victims are responsible for the commission of crimes committed against them or any suggestion that victims were contributorily negligent or assumed the risk of being sexually assaulted;

(c) to be free from any suggestion that victims are to report the crimes to be assured of any other guaranteed right; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity;

(d) when applicable, to access the services, at no cost, of Guam's Sexual Assault Response Team (SART) comprised of: the Healing Hearts Crisis Center, the Guam Police Department, Child Protective Services, and the Office of the Attorney General, as well as advocacy agencies such as Victim Advocates Reaching Out, and the choice to opt into or out of any of SART's services;

(e) to be informed of, and assisted in exercising, the right to be confidentially or anonymously tested for acquired immune deficiency syndrome (AIDS), or the human immunodeficiency virus (HIV), or any other related virus identified as a probable cause agent of AIDS pursuant to 8 GCA § 120.60; and to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the test results of a person

convicted of criminal sexual conduct, for communicable diseases pursuant to 8 GCA § 120.60(a);

(f) to not be prevented from, or charged for, receiving a medical forensic examination;

(g) to have forensic medical evidence, if collected, preserved without charge for the duration of the maximum applicable statute of limitations, or twenty (20) years, whichever is shorter; and to

(1) receive written information about the status of the evidence upon request, including the location, testing date, and testing results of a kit, whether a DNA profile was obtained from the kit, whether or not the DNA profile was consistent with DNA profiles in state or federal databases, a toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation;

(2) upon written request, receive written notification from the Guam Police Department not later than sixty (60) days before the date of the intended destruction or disposal of the kit;

(3) be informed in writing of policies governing the collection and preservation of a forensic medical evidence collection kit; and

(4) upon written request, be granted further preservation of the kit or its probative contents.

(h) to choose whether to participate in any investigation of the sexual assault, unless subpoenaed under 8 GCA Chapter 75;

(i) to reasonable efforts to provide treatment and interviews in a language in which the victim is fluent and the right to be given access to appropriate assistive devices to accommodate disabilities that the victim may have, whether temporary or long term;

(j) to information and assistance in accessing specialized mental health services; protection from further violence; and other appropriate community or governmental services, including services provided by the Criminal Injuries Compensation Program; and all other assistance available to crime victims under current law; and

(k) to be apprised of the availability and process by which to seek protection through a temporary or permanent restraining order if the victim believes that the victim is at risk for re-victimization or further harm by the perpetrator.

§ 163.50 Notice of Rights.

The Office of the Attorney General Victim Services Center shall publish a notice of these rights which shall be posted in all hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, the Guam Department of Education, the Guam Community College, the University of Guam, and any other appropriate place to inform victims of sexual assault of their rights. The Attorney General shall incorporate the rights and services enumerated in this Chapter in its standards for providing services to victims of sexual assault to ensure the compassionate and sensitive delivery of services to all sexual assault victims.

§ 163.60. Severability.

If any provision of this Chapter 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 Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable."

Section 2. Effective Date. This Act shall be effective thirty (30) days following the date of enactment, but the Office of the Attorney General may take

such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this Act.

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

36GL-22-2140 to 36GL-22-2142
Doc Type:

OFFICE OF THE SPEAKER
THERESE M. TERLAJE
06 15 2022
Time: 3:54pm
Received:

June 15, 2022

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **BILL NO. 242-36 (LS) – AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS**

BILL NO. 243-36 (LS) – AN ACT TO *AMEND* § 25.10(a), 25.15(a)(4)-(7), 25.20(a)(4)-(7), 25.25(a)(3), AND 25.30(a)(2) OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING "CONSENT," REVISING THE LANGUAGE OF "MENTALLY DEFECTIVE" TO "MENTALLY IMPAIRED," AND EXPANDING THE DEFINITION OF "MENTAL INCAPACITATION" AND "PHYSICALLY HELPLESS"

BILL NO. 244-36 (LS) – AN ACT TO *ADD* A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022"

Hafa Adai Madame Speaker,

Over time, as society grows to further understand the nature of domestic violence and criminal sexual conduct, and the dynamics between aggressors and victims involved in these crimes, it is imperative that the body of governing law likewise evolves. Bill Nos. 242-36, 243-36, and 244-36 are three such efforts, intended to provide victims of domestic and sexual violence access to greater legal protections and rights. Today, I sign these bills into law as Public Law Nos. 36-100, 36-101, and 36-102, respectively, and I thank Senator Mary Torres, the main sponsor of these bills, for her leadership on these important issues.

Bill No. 242-36, now known as ***Public Law No. 36-100***, requires wireless telecommunications service providers to remove or release complaining witnesses from a shared or family wireless service contract upon submission of a written request, along with documented evidence of family violence, sexual assault or stalking in the form of a court order, a police report, or a declaration from certain care providers for the complaining witnesses. The request may be submitted by the complaining witness

themselves, their attorney, or their advocate. Once the request and documentation is provided, the wireless service provider must act within 48 hours to transfer or remove the complaining witness from the shared family plan without charge, penalty, or fee. The bill emphasizes that a conviction is not necessary to effectuate the release. The intent of Bill No. 242-36 is clear and laudable – often, in cases involving domestic violence, sexual assault or stalking, time is of the essence, and immediate steps must be taken to ensure the safety of the complaining witness, including preventing alleged perpetrators of these crimes from tracking or contacting the complaining witnesses, or worse, confronting them in a manner that endangers all parties involved. By ensuring the confidentiality of the complaining witnesses, they can seek the services and support they need when they are vulnerable, and feel empowered to leave abusive circumstances, without potentially exposing them, their children, and their network to further harm.

Bill No. 243-36, now known as ***Public Law No. 36-101***, is a critical measure updating our laws to reflect, among other things, that individuals who are significantly impaired or intoxicated are mentally incapacitated within the meaning of Guam law, such that they cannot consent to a sexual act, regardless of whether such impairment or intoxication was voluntary or involuntary. For too long, perpetrators of sexual assault, in Guam and in similarly situated U.S. jurisdictions, have relied on the fact that their victims *voluntarily* consumed alcohol or other substances as a defense for sexual misconduct committed while these victims were clearly unable to consent. This loophole allowed predators to prey on victims they knew, or should have known, did not have the mental capacity to freely agree to engage in sexual acts. Closing this gap in our statute more accurately represents our community's understanding about the responsibilities we have to each other when we engage in conduct that involves our bodily agency, more fully protects our right to control our bodies, and restores to us the power to decide when and with whom we want to share our most intimate selves.

Bill No. 244-36, now known as ***Public Law No. 36-102***, enacts the Survivor's Bill of Rights. This bill codifies the rights that victims of sexual assault shall have. It encapsulates key priorities to sexual assault survivors, including being treated with respect, dignity and compassion, and providing access to services and advocacy, including access to timely examinations, testing, protection, and support. It further requires publication of the Survivor's Bill of Rights in hospitals, police stations, and school campuses, ensuring that the necessary information is available and readily accessible to affected persons. This Bill will help raise awareness in our communities, that our island stands with survivors of sexual assault, that we support them, and that we are committed to helping them achieve justice, and, ultimately, peace.

Senseremente,

Lou Leon Guerrero

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
June 15, 2022
5:07 P.M.

Enclosure: Bill No. 242-36 (LS) *nka P.L. No. 36-100*
Bill No. 243-36 (LS) *nka P.L. No. 36-101*
Bill No. 244-36 (LS) *nka P.L. No. 36-102*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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

This is to certify that **Bill No. 244-36 (LS), "AN ACT TO *ADD* A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022,"** was on the 2nd day of June 2022, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 3rd day of June, 2022, at 3:17 o'clock P.M.

Elle V.B.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/15/2022

Public Law No. 36-102

2022-16708
RCVD AT CENTRAL FILES
JUN 3 '22 PM3:17

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 244-36 (LS)
As amended by the Committee on Health,
Land, Justice, and Culture; and further amended on the Floor.

Introduced by:

Mary Camacho Torres
Therese M. Terlaje
Tina Rose Muña Barnes
Amanda L. Shelton
James C. Moylan
Jose "Pedo" Terlaje
V. Anthony Ada
Frank Blas Jr.
Clynton E. Ridgell
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(d) when applicable, to access the services, at no cost, of Guam's Sexual Assault Response Team (SART) comprised of: the Healing Hearts Crisis Center, the Guam Police Department, Child Protective Services, and the Office of the Attorney General, as well as advocacy agencies such as Victim Advocates Reaching Out, and the choice to opt into or out of any of SART's services;

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such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this Act.