clerks@guamlegislature.org

From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Wednesday, December 28, 2022 11:00 AM
To: Clerks; Rennae Meno
Cc: Speaker Therese M. Terlaje
Subject: Messages and Communications for Doc. Nos. 36GL-22-2922 to 36GL-22-2925*
Attachments: 36GL-22-2922.pdf; 36GL-22-2923.pdf; 36GL-22-2924.pdf; 36GL-22-2925.pdf

Håfa Adai,

Please see attached M&C Doc. Nos. 36GL-22-2922 to 2925 for processing:

36GL-22-2922	BILL NO. 312-36 (COR) nka P.L. No. 36-125 - AN ACT TO AMEND §§ 40103 AND 40105 OF ARTICLE 1, CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING NECESSARY PROTECTIONS FOR VICTIMS OF ABUSE TO MAINTAIN THE SAFETY AND BASIC NEEDS OF THE VICTIM OR THE MINOR CHILD OR CHILDREN IN COMMON WITH THE DEFENDANT	Office of the Governor of Guam
36GL-22-2923	BILL NO. 313-36 (COR) nka P.L. No. 36-126 - AN ACT TO ADD A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION	Office of the Governor of Guam
36GL-22-2924	BILL NO. 314-36 (COR) nka P.L. No. 36-127 - AN ACT TO ADD A NEW CHAPTER 40B TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STALKING PROTECTION ORDER FOR VICTIMS OF STALKING	Office of the Governor of Guam
36GL-22-2925	BILL NO. 346-36 (LS) nka P.L No. 36-130 - AN ACT TO AMEND §§ 8502 AND 8503 OF ARTICLE 5, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINED BENEFIT 1.75 RETIREMENT SYSTEM	Office of the Governor of Guam

Si Yu'os Ma'åse',

COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes, Chairperson
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
Guam Congress Building | 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: Tue, Dec 27, 2022 at 5:18 PM
Subject: Messages and Communications for 36GL-22-2922 to 36GL-22-2925
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-22-2922 to 36GL-22-2925*

36GL-22-2922	BILL NO. 312-36 (COR) nka P.L. 36-125: AN ACT TO AMEND §§ 40103 AND 401 ARTICLE 1, CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING NECESSARY PROTECTIONS FOR VICTIMS OF ABUSE TO MAINT SAFETY AND BASIC NEEDS OF THE VICTIM OR THE MINOR CHILD OR CHILD COMMON WITH THE DEFENDANT*
36GL-22-2923	BILL NO. 313-36 (COR) nka P.L. 36-126: AN ACT TO ADD A NEW CHAPTER 40 TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECT ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CO OR NONCONSENSUAL SEXUAL PENETRATION*
36GL-22-2924	BILL NO. 314-36 (COR) nka P.L. 36-127: AN ACT TO ADD A NEW CHAPTER 40 TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STALKIN PROTECTION ORDER FOR VICTIMS OF STALKING*
36GL-22-2925	BILL NO. 346-36 (LS) nka P.L. 36-130: AN ACT TO AMEND §§ 8502 AND 8503 (ARTICLE 5, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO TH DEFINED BENEFIT 1.75 RETIREMENT SYSTEM*

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: Tue, Dec 27, 2022 at 4:49 PM
Subject: Governor Leon Guerrero's statements re Bill Nos. 312-36, 313-36, 314-36 & 346-36
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>, <jdelorie@guamcourts.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, 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>, Rikki Orsini <rikki.orsini@guam.gov>, Logan Reyes <logan.reyes@guam.gov>, Lester Carlson <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>, Ely John Catalan <ely.catalan@guam.gov>, Elaine Tajalle <elaine.tajalle@guam.gov>, Calen Michel Meno <calen.meno@guam.gov>

Hafa Adai Madame Speaker,

Enclosed are copies of Governor Leon Guerrero's statements regarding the following four (4) legislative bills passed on December 16, 2022 and signed into public law on December 27, 2022:

- **BILL NO. 312-36 (COR) nka P.L. 36-125**: AN ACT TO AMEND §§ 40103 AND 40105 OF ARTICLE 1, CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING NECESSARY PROTECTIONS FOR VICTIMS OF ABUSE TO MAINTAIN THE SAFETY AND BASIC NEEDS OF THE VICTIM OR THE MINOR CHILD OR CHILDREN IN COMMON WITH THE DEFENDANT

- **BILL NO. 313-36 (COR) nka P.L. 36-126**: AN ACT TO ADD A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION

- **BILL NO. 314-36 (COR) nka P.L. 36-127**: AN ACT TO ADD A NEW CHAPTER 40B TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STALKING PROTECTION ORDER FOR VICTIMS OF STALKING

- **BILL NO. 346-36 (LS) nka P.L. 36-130**: AN ACT TO AMEND §§ 8502 AND 8503 OF ARTICLE 5, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINED BENEFIT 1.75 RETIREMENT SYSTEM

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

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

Guam Legislature

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

Governor Leon Guerrero's statements re Bill Nos. 312-36, 313-36, 314-36 & 346-36

Brianne LG Dunstan <brianne.dunstan@guam.gov> Tue, Dec 27, 2022 at 4:49 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>, jdelorie@guamcourts.gov, Guam Compiler of Laws <guamcompiler@gmail.com>, 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>, Rikki Orsini <rikki.orsini@guam.gov>, Logan Reyes <logan.reyes@guam.gov>, Lester Carlson <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>, Ely John Catalan <ely.catalan@guam.gov>, Elaine Tajalle <elaine.tajalle@guam.gov>, Calen Michel Meno <calen.meno@guam.gov>

Hafa Adai Madame Speaker,

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

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
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Hagåtña, Guam 96910
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DOC NO. 36GL-22-2922 to 36GL-22-2925
OFFICE OF THE SPEAKER
Therese M. Terlaje
Date: 12/27/2022
Time: 4:49 p.m.
Received: MCruz

COMMITTEE ON RULES
RECEIVED:
December 27, 2022
5:18 P.M.

4 attachments

22.1227 Governor to Speaker Terlaje re Bill No. 312-36 (COR) nka P.L. 36-125.pdf
231K

22.1227 Governor to Speaker Terlaje re Bill No. 346-36 (LS) nka P.L. 36-130.pdf
392K

22.1227 Governor to Speaker Terlaje re Bill No. 313-36 (COR) nka P.L. 36-126.pdf
386K

22.1227 Governor to Speaker Terlaje re Bill No. 314-36 (COR) nka P.L. 36-127.pdf
402K

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

Transmitted via email to: speaker@guamlegislature.org

December 27, 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. 312-36 (COR) - AN ACT TO *AMEND* §§ 40103 AND 40105 OF ARTICLE 1, CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING NECESSARY PROTECTIONS FOR VICTIMS OF ABUSE TO MAINTAIN THE SAFETY AND BASIC NEEDS OF THE VICTIM OR THE MINOR CHILD OR CHILDREN IN COMMON WITH THE DEFENDANT

BILL NO. 313-36 (COR) - AN ACT TO *ADD* A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION

BILL NO. 314-36 (COR) - AN ACT TO *ADD* A NEW CHAPTER 40B TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STALKING PROTECTION ORDER FOR VICTIMS OF STALKING

Hafa Adai Madame Speaker,

It has been said that the best measure of a society is how it treats its citizens with the least power. Bill Nos. 312-36, 313-36, and 314-36, are designed to protect Guam's most vulnerable people in a time of possibly their greatest need. These bills provide a mechanism to more easily obtain a protective order to prevent perpetrators from having contact with their victims.

Bill No. 312-36 empowers individuals seeking a protective order from an abuser to not only seek a stay-away order, but authorizes the court to order the abuser to continue to provide the resources to allow the victim to maintain the basic needs for shelter and safety. Bill No. 313-36 creates a new class of protective order for people who are victims of nonconsensual sexual contact or sexual penetration, while Bill 314-36 creates a new class of protective order for victims of stalking. These

three important bills will afford greater protections for victims, and enable them to participate in society without fear of further violence or threat of violence.

As the 36th Guam Legislature draws to a close, it is timely and appropriate to recognize Senator Mary Torres, the sponsor these bills, for her demonstrated commitment to protecting victims of abuse during her tenure in the Guam Legislature. Countless people on Guam, many of them women and children, are safer because of her work. Senator Torres will be missed at the Legislature, but her legacy will live on in all whose lives she has changed with her steadfast compassion.

I hereby sign into law Bill No. 312-36 as ***Public Law 36-125***, Bill No. 313-36 as ***Public Law 36-126,*** and, Bill No. 314-36 as ***Public Law 36-127***.

Senseremente,

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

Enclosure: Bill Nos. 312-36 (COR), 313-36 (COR), and 314-36 (COR) *nka P.L. No. 36-125, P.L. 36-126, and P.L. 36-127, respectively.*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
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. 313-36 (COR), "AN ACT TO *ADD* A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION,"** was on the 16th day of December 2022, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 16TH day of Dec, 2022, at 10:06 o'clock P .M.

Rose C Chong 562

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/27/2022

Public Law No. 36-126

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

Bill No. 313-36 (COR)
As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.

Introduced by:

Mary Camacho Torres
Tina Rose Muña Barnes
Christopher M. Dueñas
Jose "Pedo" Terlaje
Telena Cruz Nelson
James C. Moylan
V. Anthony Ada
Frank Blas Jr.
Joe S. San Agustin
Amanda L. Shelton
Sabina Flores Perez
Therese M. Terlaje
Joanne Brown
Telo T. Taitague
Clynton E. Ridgell

AN ACT TO *ADD* A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that sexual violence remains an enduring issue in the community. According to the National Organization of Asians and Pacific Islanders Ending Sexual Violence,

Guam has the second highest number of sexual assaults per capita with 64.2 reported rapes per 100,000 people.

I Liheslaturan Guåhan further recognizes that, in addition to physical and emotional pain, victims of sexual assault are often subjected to shame and degradation. While reporting is encouraged, those who choose not to come forward are still entitled to protection from their perpetrator. Moreover, even when rape is reported, the perpetrator is not always brought to justice. Restricting an offender's contact with a victim in certain cases should be possible through a civil remedy.

I Liheslaturan Guåhan notes that Guam's protection from abuse statute under Chapter 40, Title 7, Guam Code Annotated, is limited to specific acts of abuse inflicted on victims of family violence, such as attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon; placing by physical menace another person in fear of imminent serious bodily injury; or sexually abusing minor children (7 GCA, Chapter 40, § 40101). Under this definition, victims of sexual assault may not be eligible to use the protective order process under current law. At a legislative public hearing held on April 6, 2022, the Office of the Attorney General of Guam (OAG) likewise testified that it may be easier for domestic abuse victims to obtain a stay away order than for victims of sexual assault.

It is, therefore, the intent of *I Liheslaturan Guåhan* that a sexual offense protection order be created as a remedy for victims of nonconsensual sexual contact or penetration who do not qualify for a protection from abuse order under 7 GCA Chapter 40.

Section 2. A new Chapter 40A is hereby *added* to Title 7, Guam Code Annotated, to read:

"CHAPTER 40A

SEXUAL OFFENSE PROTECTION ORDER

§ 40A101. Definitions.
§ 40A102. Jurisdiction.
§ 40A103. Petition for Sexual Offense Protection Order.
§ 40A104. Fees Not Permitted.
§ 40A105. Hearing.
§ 40A106. Remedies.
§ 40A107. *Ex Parte* Temporary Order for Protection.
§ 40A108. Court Initiated Issuance of Sexual Offense Protection Orders
§ 40A109. Notification to Enforce Protection Order.

§ 40A101. Definitions.

The definitions in this Section apply throughout this Chapter unless the context clearly requires otherwise.

(a) *Intimate parts* means the primary genital area, groin, inner thigh, buttock, or breast of a human being;

(b) *Nonconsensual* means the lack of a freely given present agreement to perform a particular sexual act with the respondent;

(c) *Nonphysical contact* includes, but is not limited to, telephone calls, mail, electronic mail, facsimile, mobile messaging, private messaging, direct messaging, and other written notes;

(d) *Petitioner* means any named petitioner for the sexual offense protection order or any named victim of nonconsensual sexual conduct or nonconsensual sexual penetration on whose behalf the petition is brought;

(e) *Sexual offense protection order* means an *ex parte* temporary order or a final order granted under this Chapter, which includes a remedy authorized by § 40A106 of this Chapter;

(f) *Sexual contact* means any of the following:

(1) any intentional touching of the victim's or respondent's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or respondent's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification; or

(2) any intentional display of the victim's or respondent's genitals, anus, or breasts for the purposes of sexual arousal or gratification;

(g) *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.

§ 40A102. Jurisdiction.

The Superior Court of Guam shall have jurisdiction over all proceedings under this Chapter.

§ 40A103. Petition for Sexual Offense Protection Order.

(a) A person who does not qualify for a protection order under 7 GCA Chapter 40 and who is a victim of nonconsensual sexual contact or nonconsensual sexual penetration, including a single incident of nonconsensual sexual contact or nonconsensual sexual penetration, may seek relief under this Chapter by filing a petition with the court alleging that the person has been the victim of nonconsensual sexual contact or nonconsensual sexual penetration committed by the respondent. A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(b) A person may seek relief under this Chapter on behalf of another person if they have personal knowledge that such person has been a victim of nonconsensual sexual contact or nonconsensual sexual penetration, or any adult household member

may seek relief under this Chapter on behalf of minor children by filing a petition with the court alleging nonconsensual sexual contact or nonconsensual sexual penetration by the defendant.

(c) Victim advocates, as defined in 6 GCA, Chapter 9, § 9102(a), shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. The court shall allow victim advocates to assist victims of nonconsensual sexual contact or nonconsensual sexual penetration in the preparation of petitions for sexual offense protection orders. Communications between the petitioner and a victim advocate are protected as provided by 6 GCA, Chapter 9, § 9102(b).

(d) Any proceeding under this Chapter shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

§ 40A104. Fees Not Permitted.

No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this Chapter. Petitioners shall be provided the necessary number of certified copies at no cost.

§ 40A105. Hearing.

Upon receipt of the petition, the court shall order a hearing which shall be held no later than ten (10) days from the date of the order. A plaintiff or witness in a protective order case may request, without the need for a motion, or good cause determination, that the court allow appearance by telephone, videoconference, or by other two (2)-way electronic communication device. The court shall consider whether the safety or welfare of the plaintiff or witness would be threatened if testimony were required to be provided in person at a proceeding. The court may issue an *ex parte* temporary sexual offense protection order pending the hearing as provided in § 40A108 of this Chapter.

§ 40A106. Remedies.

(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual contact or nonconsensual sexual penetration by the respondent, the court shall issue a sexual offense protection order. The petitioner shall not be denied a sexual offense protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual offense protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement.

(b) The court may provide relief as follows:

(1) restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(2) exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(3) prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(4) order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(c) Denial of a remedy may not be based, in whole or in part, on evidence that:

(1) the respondent was voluntarily intoxicated;

(2) the petitioner was voluntarily intoxicated; or

(3) the petitioner engaged in limited consensual sexual touching.

(d) The court may order the respondent to surrender all firearms, ammunition, permits to purchase firearms, permits to carry firearms, and other dangerous weapons that are in the care, custody, possession, ownership, or control of the respondent if the court finds any of the following factors are present and the petitioner requests that the respondent's firearms, ammunition, permits to purchase firearms, permits to carry concealed firearms, and other dangerous weapons be seized:

(1) the use or threatened use of a dangerous weapon by the respondent or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons;

(2) threats to seriously injure or kill the petitioner or minor child by the respondent;

(3) threats to commit suicide by the respondent; or

(4) serious injuries inflicted by the respondent upon the petitioner or a minor child.

(e) Any protection order shall be for a fixed period of time as the court deems appropriate. The court may amend its order or agreement at any time upon subsequent petition or motion filed by either party.

(f) A knowing violation of a court order issued under this Section is a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and not more than one (1) year, and by a fine of not more than One Thousand Dollars ($1,000).

§ 40A107. *Ex Parte* Temporary Order for Protection.

(a) An *ex parte* temporary sexual offense protection order shall issue if the petitioner satisfies the requirements of this Subsection by a preponderance of the evidence. The petitioner shall establish that:

(1) the petitioner has been a victim of nonconsensual sexual contact or nonconsensual sexual penetration by the respondent; and

(2) there is good cause to grant the remedy, regardless of the lack of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(b) Upon issuance of an *ex parte* order, the court may order the respondent to surrender all firearms, ammunition, permits to purchase firearms, permits to carry firearms, and other dangerous weapons that are in the care, custody, possession, ownership, or control of the respondent if the court finds any of the following factors are present and the petitioner requests that the respondent's firearms, ammunition, permits to purchase firearms, permits to carry concealed firearms, and other dangerous weapons be seized:

(1) the use or threatened use of a dangerous weapon by the respondent or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons;

(2) threats to seriously injure or kill the petitioner or minor child by the respondent;

(3) threats to commit suicide by the respondent; or

(4) serious injuries inflicted by the respondent upon the petitioner or a minor child.

(c) If the court declines to issue an *ex parte* temporary sexual offense protection order, the court shall state the particular reasons for the court's denial.

(d) A knowing violation of a court order issued under this Section is a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and

not more than one (1) year, and by a fine of not more than One Thousand Dollars ($1,000).

§ 40A108. Court Initiated Issuance of Sexual Offense Protection Orders.

(a) When any person charged with or arrested for criminal sexual conduct as defined in Title 9 GCA Chapter 25, or any other crime as defined in Title 9 GCA Chapter 25A, Chapter 26, Chapter 28, and Chapter 89 is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim.

(1) A sexual offense protection order issued by the court in conjunction with criminal charges shall terminate if the respondent is acquitted or the charges are dismissed, unless the victim files an independent action for a sexual offense protection order. If the victim files an independent action for a sexual offense protection order, the order may be continued by the court until a full hearing is conducted pursuant to § 40A105 of this Chapter.

(2) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(3) A certified copy of the order shall be provided to the victim at no charge.

(b) When a respondent is found guilty of criminal sexual conduct as defined in Title 9 GCA Chapter 25, or any other crime as defined in Title 9 GCA

Chapter 25A, Chapter 26, Chapter 28, and Chapter 89 and a condition of the sentence restricts the respondent's ability to have contact with the victim, the condition shall be recorded as a sexual offense protection order.

(1) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(2) A certified copy of the order shall be provided to the victim at no charge.

(c) A final sexual offense protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of five (5) years following the expiration of the latest sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A knowing violation of a court order issued under this Section is a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and not more than one (1) year, and by a fine of not more than One Thousand Dollars ($1,000).

§ 40A109. Notification to Enforce Protection Order.

A copy of any order under this Chapter shall be issued to the plaintiff, the defendant, and the Guam Police Department with appropriate jurisdiction to enforce the order or agreement."

Section 3. Effective Date. This Act shall be effective thirty (30) days following the date of enactment, but the Superior Court of Guam may take such

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

Section 4. Severability. If any provision of this Act 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 Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

Transmitted via email to: speaker@guamlegislature.org

December 27, 2022

Doc Type: 36GL-22-2923
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

-12- 27 2022

Time: 4:57pm
Received:

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. 312-36 (COR) - AN ACT TO *AMEND* §§ 40103 AND 40105 OF ARTICLE 1, CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING NECESSARY PROTECTIONS FOR VICTIMS OF ABUSE TO MAINTAIN THE SAFETY AND BASIC NEEDS OF THE VICTIM OR THE MINOR CHILD OR CHILDREN IN COMMON WITH THE DEFENDANT

BILL NO. 313-36 (COR) - AN ACT TO *ADD* A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION

BILL NO. 314-36 (COR) - AN ACT TO *ADD* A NEW CHAPTER 40B TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STALKING PROTECTION ORDER FOR VICTIMS OF STALKING

Hafa Adai Madame Speaker,

It has been said that the best measure of a society is how it treats its citizens with the least power. Bill Nos. 312-36, 313-36, and 314-36, are designed to protect Guam's most vulnerable people in a time of possibly their greatest need. These bills provide a mechanism to more easily obtain a protective order to prevent perpetrators from having contact with their victims.

Bill No. 312-36 empowers individuals seeking a protective order from an abuser to not only seek a stay-away order, but authorizes the court to order the abuser to continue to provide the resources to allow the victim to maintain the basic needs for shelter and safety. Bill No. 313-36 creates a new class of protective order for people who are victims of nonconsensual sexual contact or sexual penetration, while Bill 314-36 creates a new class of protective order for victims of stalking. These

three important bills will afford greater protections for victims, and enable them to participate in society without fear of further violence or threat of violence.

As the 36th Guam Legislature draws to a close, it is timely and appropriate to recognize Senator Mary Torres, the sponsor these bills, for her demonstrated commitment to protecting victims of abuse during her tenure in the Guam Legislature. Countless people on Guam, many of them women and children, are safer because of her work. Senator Torres will be missed at the Legislature, but her legacy will live on in all whose lives she has changed with her steadfast compassion.

I hereby sign into law Bill No. 312-36 as ***Public Law 36-125***, Bill No. 313-36 as ***Public Law 36-126,*** and, Bill No. 314-36 as ***Public Law 36-127***.

Senseremente,

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

Enclosure: Bill Nos. 312-36 (COR), 313-36 (COR), and 314-36 (COR) *nka P.L. No. 36-125, P.L. 36-126, and P.L. 36-127, respectively.*

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

RECEIVED
DEC 28 2022
8:00 AM
COMMITTEE ON RULES

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. 313-36 (COR), "AN ACT TO *ADD* A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION,"** was on the 16th day of December 2022, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 16TH day of Dec, 2022, at 10:06 o'clock P.M.

P03 C C Chong 562

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/27/2022

Public Law No. 36-126

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

Bill No. 313-36 (COR)
As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.

Introduced by:

Mary Camacho Torres
Tina Rose Muña Barnes
Christopher M. Dueñas
Jose "Pedo" Terlaje
Telena Cruz Nelson
James C. Moylan
V. Anthony Ada
Frank Blas Jr.
Joe S. San Agustin
Amanda L. Shelton
Sabina Flores Perez
Therese M. Terlaje
Joanne Brown
Telo T. Taitague
Clynton E. Ridgell

AN ACT TO *ADD* A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that sexual violence remains an enduring issue in the community. According to the National Organization of Asians and Pacific Islanders Ending Sexual Violence,

HC Doc. No. 36GL-22-2917,2918,2919,2921,2922,2923, 2924, 2925.

Guam has the second highest number of sexual assaults per capita with 64.2 reported rapes per 100,000 people.

I Liheslaturan Guåhan further recognizes that, in addition to physical and emotional pain, victims of sexual assault are often subjected to shame and degradation. While reporting is encouraged, those who choose not to come forward are still entitled to protection from their perpetrator. Moreover, even when rape is reported, the perpetrator is not always brought to justice. Restricting an offender's contact with a victim in certain cases should be possible through a civil remedy.

I Liheslaturan Guåhan notes that Guam's protection from abuse statute under Chapter 40, Title 7, Guam Code Annotated, is limited to specific acts of abuse inflicted on victims of family violence, such as attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon; placing by physical menace another person in fear of imminent serious bodily injury; or sexually abusing minor children (7 GCA, Chapter 40, § 40101). Under this definition, victims of sexual assault may not be eligible to use the protective order process under current law. At a legislative public hearing held on April 6, 2022, the Office of the Attorney General of Guam (OAG) likewise testified that it may be easier for domestic abuse victims to obtain a stay away order than for victims of sexual assault.

It is, therefore, the intent of *I Liheslaturan Guåhan* that a sexual offense protection order be created as a remedy for victims of nonconsensual sexual contact or penetration who do not qualify for a protection from abuse order under 7 GCA Chapter 40.

Section 2. A new Chapter 40A is hereby *added* to Title 7, Guam Code Annotated, to read:

"CHAPTER 40A

SEXUAL OFFENSE PROTECTION ORDER

§ 40A101. Definitions.
§ 40A102. Jurisdiction.
§ 40A103. Petition for Sexual Offense Protection Order.
§ 40A104. Fees Not Permitted.
§ 40A105. Hearing.
§ 40A106. Remedies.
§ 40A107. *Ex Parte* Temporary Order for Protection.
§ 40A108. Court Initiated Issuance of Sexual Offense Protection Orders
§ 40A109. Notification to Enforce Protection Order.

§ 40A101. Definitions.

The definitions in this Section apply throughout this Chapter unless the context clearly requires otherwise.

(a) *Intimate parts* means the primary genital area, groin, inner thigh, buttock, or breast of a human being;

(b) *Nonconsensual* means the lack of a freely given present agreement to perform a particular sexual act with the respondent;

(c) *Nonphysical contact* includes, but is not limited to, telephone calls, mail, electronic mail, facsimile, mobile messaging, private messaging, direct messaging, and other written notes;

(d) *Petitioner* means any named petitioner for the sexual offense protection order or any named victim of nonconsensual sexual conduct or nonconsensual sexual penetration on whose behalf the petition is brought;

(e) *Sexual offense protection order* means an *ex parte* temporary order or a final order granted under this Chapter, which includes a remedy authorized by § 40A106 of this Chapter;

(f) *Sexual contact* means any of the following:

(1) any intentional touching of the victim's or respondent's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or respondent's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification; or

(2) any intentional display of the victim's or respondent's genitals, anus, or breasts for the purposes of sexual arousal or gratification;

(g) *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.

§ 40A102. Jurisdiction.

The Superior Court of Guam shall have jurisdiction over all proceedings under this Chapter.

§ 40A103. Petition for Sexual Offense Protection Order.

(a) A person who does not qualify for a protection order under 7 GCA Chapter 40 and who is a victim of nonconsensual sexual contact or nonconsensual sexual penetration, including a single incident of nonconsensual sexual contact or nonconsensual sexual penetration, may seek relief under this Chapter by filing a petition with the court alleging that the person has been the victim of nonconsensual sexual contact or nonconsensual sexual penetration committed by the respondent. A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(b) A person may seek relief under this Chapter on behalf of another person if they have personal knowledge that such person has been a victim of nonconsensual sexual contact or nonconsensual sexual penetration, or any adult household member

may seek relief under this Chapter on behalf of minor children by filing a petition with the court alleging nonconsensual sexual contact or nonconsensual sexual penetration by the defendant.

(c) Victim advocates, as defined in 6 GCA, Chapter 9, § 9102(a), shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. The court shall allow victim advocates to assist victims of nonconsensual sexual contact or nonconsensual sexual penetration in the preparation of petitions for sexual offense protection orders. Communications between the petitioner and a victim advocate are protected as provided by 6 GCA, Chapter 9, § 9102(b).

(d) Any proceeding under this Chapter shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

§ 40A104. Fees Not Permitted.

No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this Chapter. Petitioners shall be provided the necessary number of certified copies at no cost.

§ 40A105. Hearing.

Upon receipt of the petition, the court shall order a hearing which shall be held no later than ten (10) days from the date of the order. A plaintiff or witness in a protective order case may request, without the need for a motion, or good cause determination, that the court allow appearance by telephone, videoconference, or by other two (2)-way electronic communication device. The court shall consider whether the safety or welfare of the plaintiff or witness would be threatened if testimony were required to be provided in person at a proceeding. The court may issue an *ex parte* temporary sexual offense protection order pending the hearing as provided in § 40A108 of this Chapter.

§ 40A106. Remedies.

(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual contact or nonconsensual sexual penetration by the respondent, the court shall issue a sexual offense protection order. The petitioner shall not be denied a sexual offense protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual offense protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement.

(b) The court may provide relief as follows:

(1) restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(2) exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(3) prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(4) order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(c) Denial of a remedy may not be based, in whole or in part, on evidence that:

(1) the respondent was voluntarily intoxicated;

(2) the petitioner was voluntarily intoxicated; or

(3) the petitioner engaged in limited consensual sexual touching.

(d) The court may order the respondent to surrender all firearms, ammunition, permits to purchase firearms, permits to carry firearms, and other dangerous weapons that are in the care, custody, possession, ownership, or control of the respondent if the court finds any of the following factors are present and the petitioner requests that the respondent's firearms, ammunition, permits to purchase firearms, permits to carry concealed firearms, and other dangerous weapons be seized:

(1) the use or threatened use of a dangerous weapon by the respondent or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons;

(2) threats to seriously injure or kill the petitioner or minor child by the respondent;

(3) threats to commit suicide by the respondent; or

(4) serious injuries inflicted by the respondent upon the petitioner or a minor child.

(e) Any protection order shall be for a fixed period of time as the court deems appropriate. The court may amend its order or agreement at any time upon subsequent petition or motion filed by either party.

(f) A knowing violation of a court order issued under this Section is a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and not more than one (1) year, and by a fine of not more than One Thousand Dollars ($1,000).

§ 40A107. *Ex Parte* Temporary Order for Protection.

(a) An *ex parte* temporary sexual offense protection order shall issue if the petitioner satisfies the requirements of this Subsection by a preponderance of the evidence. The petitioner shall establish that:

(1) the petitioner has been a victim of nonconsensual sexual contact or nonconsensual sexual penetration by the respondent; and

(2) there is good cause to grant the remedy, regardless of the lack of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(b) Upon issuance of an *ex parte* order, the court may order the respondent to surrender all firearms, ammunition, permits to purchase firearms, permits to carry firearms, and other dangerous weapons that are in the care, custody, possession, ownership, or control of the respondent if the court finds any of the following factors are present and the petitioner requests that the respondent's firearms, ammunition, permits to purchase firearms, permits to carry concealed firearms, and other dangerous weapons be seized:

(1) the use or threatened use of a dangerous weapon by the respondent or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons;

(2) threats to seriously injure or kill the petitioner or minor child by the respondent;

(3) threats to commit suicide by the respondent; or

(4) serious injuries inflicted by the respondent upon the petitioner or a minor child.

(c) If the court declines to issue an *ex parte* temporary sexual offense protection order, the court shall state the particular reasons for the court's denial.

(d) A knowing violation of a court order issued under this Section is a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and

not more than one (1) year, and by a fine of not more than One Thousand Dollars ($1,000).

§ 40A108. Court Initiated Issuance of Sexual Offense Protection Orders.

(a) When any person charged with or arrested for criminal sexual conduct as defined in Title 9 GCA Chapter 25, or any other crime as defined in Title 9 GCA Chapter 25A, Chapter 26, Chapter 28, and Chapter 89 is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim.

(1) A sexual offense protection order issued by the court in conjunction with criminal charges shall terminate if the respondent is acquitted or the charges are dismissed, unless the victim files an independent action for a sexual offense protection order. If the victim files an independent action for a sexual offense protection order, the order may be continued by the court until a full hearing is conducted pursuant to § 40A105 of this Chapter.

(2) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(3) A certified copy of the order shall be provided to the victim at no charge.

(b) When a respondent is found guilty of criminal sexual conduct as defined in Title 9 GCA Chapter 25, or any other crime as defined in Title 9 GCA

Chapter 25A, Chapter 26, Chapter 28, and Chapter 89 and a condition of the sentence restricts the respondent's ability to have contact with the victim, the condition shall be recorded as a sexual offense protection order.

(1) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(2) A certified copy of the order shall be provided to the victim at no charge.

(c) A final sexual offense protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of five (5) years following the expiration of the latest sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A knowing violation of a court order issued under this Section is a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and not more than one (1) year, and by a fine of not more than One Thousand Dollars ($1,000).

§ 40A109. Notification to Enforce Protection Order.

A copy of any order under this Chapter shall be issued to the plaintiff, the defendant, and the Guam Police Department with appropriate jurisdiction to enforce the order or agreement."

Section 3. Effective Date. This Act shall be effective thirty (30) days following the date of enactment, but the Superior Court of Guam may take such

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

Section 4. Severability. If any provision of this Act 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 Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.