

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
242-36 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor	Mary Camacho Torres Therese M. Terlaje Tina Rose Muña Barnes Amanda L. Shelton James C. Moylan Jose "Pedro" Terlaje V. Anthony Ada Frank Blas Jr. Clynton E. Ridgell Joe S. San Agustin Christopher M. Dueñas Telena Cruz Nelson	AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS FROM SHARED WIRELESS PLANS.	1/25/22 5:19 p.m.	2/1/22	Committee on Health, Land, Justice, and Culture	4/6/22 9:00 a.m.	5/19/22 12:10 p.m. As amended by the Committee on Health, Land, Justice, and Culture	Request: 2/4/22  Waiver: 2/8/22	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	5/27/22	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.	6/2/22	6/3/22	6/15/22	36-100	6/15/22	Received: 6/15/22 Mess and Comm. Doc. No. 36GL-22-2140	

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*  
36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

36GL-22-2140  
Doc Type: to 36GL-22-2142  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

~~06~~ 15 2022

Time: 3:54pm  
Received: *[Signature]*

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

To: Speaker Terlaje  
Fr: Governor of Guam  
Date: June 15, 2022  
Re: Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS)

Page 2 of 2

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.

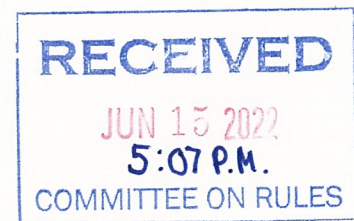
Bill No. 244-36, now known as **Public Law No. 36-102**, enacts the Survivor's Bill of Rights. This bill codifies the rights that victims of sexual assault shall have. It encapsulates key priorities to sexual assault survivors, including being treated with respect, dignity and compassion, and providing 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,*

**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

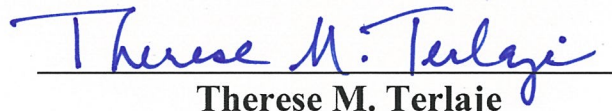
**RICARDO J. BORDALLO GOVERNOR'S COMPLEX**  
513 W. Marine Corps Drive Hagåtña, Guam 96910  
governor.guam.gov | (671) 472-8931

Doc. No. 36GL-22-2140.

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

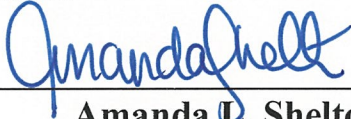
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN***

This is to certify that **Bill No. 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,” was on the 2<sup>nd</sup> day of June 2022, duly and regularly passed.



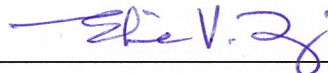
Therese M. Terlaje  
Speaker

Attested:



Amanda L. Shelton  
Legislative Secretary

-----  
This Act was received by *I Maga'hågan Guåhan* this 3<sup>rd</sup> day of June,  
2022, at 3:15 o'clock P.M.



Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:



Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 6/15/2022

Public Law No. 36-100

2022-16706  
RCVD AT CENTRAL FILES  
JUN 3 '22 PM 3:15

Elaine Tajalle

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

**Bill No. 242-36 (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  
Telena Cruz Nelson  
Joanne Brown  
Sabina Flores Perez  
Telo T. Taitague

**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.**

1        **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that victims of family violence, sexual assault, and stalking often lack viable options  
4 when establishing a plan to leave an abuser due to barriers such as financial

1 insecurity and limited access to reliable communications tools to maintain essential  
2 connections with family, social safety networks, employers, and support services.  
3 Independence of a wireless phone plan may often aid these victims in formulating  
4 and following through on a means of escape, especially in situations where the  
5 abuser is the account manager or administrator of the cell phone plan, and as a result,  
6 may view any calls and account activity of phones associated with the shared or  
7 family plan.

8 *I Liheslaturan Guåhan* duly recognizes that a variety of options should be  
9 afforded to victims of family violence, sexual assault, and stalking when seeking to  
10 be released from a shared or family mobile phone plan; and the purpose of this Act  
11 is to assist victims by authorizing the courts to issue an order requiring wireless  
12 telecommunications service providers to transfer billing authority and all rights to  
13 the wireless numbers of a shared wireless plan to said victim, or remove or release  
14 the victim from a shared wireless plan and assign a substitute telephone number or  
15 numbers.

16 While seeking a court order to be released from a shared wireless plan is a  
17 viable option, *I Liheslaturan Guåhan* further recognizes that some victims of family  
18 violence, sexual assault, or stalking may not be willing or financially able to obtain  
19 a court order. Accordingly, another option for a victim is to submit an opt-out request  
20 to be released from a shared or family mobile phone plan, especially under limited  
21 time constraints; therefore, the purpose of this Act is to also assist victims of family  
22 violence, sexual assault, or stalking by providing them with options to be released  
23 from shared or family cellular phone plans.

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

26 **“ARTICLE 2**

1                   **TRANSFER OR RELEASE OF VICTIMS FROM SHARED**  
2                   **WIRELESS PLANS**

3           § 40201.    Definitions.

4           § 40202.    Conviction Not Required.

5           § 40203.    Transfer or Release from Shared Wireless Plan.

6           **§ 40201.    Definitions.**

7           For purposes of this Article:

8                 (a)   *Family violence* means any act or conduct described in 9 GCA,  
9           Chapter 30, § 30.10(a);

10                (b)   *Sexual assault* means any act or conduct described in 9 GCA,  
11           Chapter 25, §§ 25.15, 25.20, 25.25, 25.30, and 25.35;

12                (c)   *Stalking* means any act or conduct described in 9 GCA, Chapter  
13           19, § 19.70;

14                (d)   *Wireless telecommunications service* shall have the same  
15           meaning as “commercial mobile radio service” as defined in 47 C.F.R. § 20.3;

16                (e)   *Wireless telecommunications service provider* means a provider  
17           of wireless telecommunications service.

18           **§ 40202.    Conviction Not Required.**

19           Nothing in § 40201 of this Article shall be construed to require a criminal  
20           conviction in order for an act or conduct to constitute family violence, sexual assault,  
21           or stalking.

22           **§ 40203.    Transfer or Release from Shared Wireless Plan.**

23           (a)   The court may issue an order requiring a wireless telecommunications  
24           service provider, without charge, penalty, or fee, to:

25                 (1)   transfer the billing authority and all rights to the wireless  
26           telephone number or numbers of a shared wireless plan to a victim of family

1 violence, sexual assault or stalking if the victim is not the account holder of  
2 the shared wireless plan or to another person who shall serve as the account  
3 holder, as requested by or on behalf of the victim with the victim's approval;  
4 or

5 (2) remove or release the victim of family violence, sexual assault,  
6 or stalking from a shared wireless plan and assign a substitute telephone  
7 number or numbers.

8 (b) The order issued pursuant to Subsection (a) of this Section shall be a  
9 separate order that is directed to the wireless telecommunications service provider.  
10 The order shall list the name and billing telephone number of the account holder, the  
11 name of the person to whom the telephone number or numbers will be transferred,  
12 and each telephone number to be transferred.

13 (c) A cause of action shall not lie against any wireless telecommunications  
14 service provider, its officers, employees, or agents for the actions taken that are  
15 related to the transfer of the billing authority and rights to the wireless telephone  
16 number or numbers in accordance with the terms of a court order issued pursuant to  
17 this Section.”

18 **Section 3.** A new § 30.400 is hereby *added* to Chapter 30, Title 9, Guam  
19 Code Annotated, to read:

20 **“§ 30.400. Release of Victims from Shared Wireless Plans.**

21 (a) For purposes of this Section:

22 (1) *Abuser* means an individual who has committed or  
23 allegedly committed an act or conduct described in Subsections  
24 (a)(2),(3) and (4) of this Section;

25 (2) *Family violence* means any act or conduct described in 9  
26 GCA § 30.10(a);

1 (3) *Sexual assault* means any act or conduct described in 9  
2 GCA, Chapter 25, §§ 25.15, 25.20, 25.25, 25.30, and 25.35;

3 (4) *Stalking* means any act or conduct described in 9 GCA,  
4 Chapter 19, § 19.70;

5 (5) *Wireless telecommunications service* shall have the same  
6 meaning as “commercial mobile radio service” as defined in 47 C.F.R.  
7 § 20.3;

8 (6) *Wireless telecommunications service provider* means a  
9 provider of wireless telecommunications service.

10 (b) Nothing in Subsection (a) of this Section shall be construed to  
11 require a criminal conviction in order for an act or conduct to constitute family  
12 violence, sexual assault, or stalking.

13 (c) All wireless telecommunications service providers shall remove  
14 or release, without charge, penalty, or fee, any victim of family violence,  
15 sexual assault, or stalking from a shared or family wireless service contract  
16 involving the victim’s abuser; provided, that the victim, or the victim’s  
17 attorney or advocate, submits the opt-out request in writing and with evidence  
18 of family violence, sexual assault, or stalking as documented by any of the  
19 following items:

20 (1) a valid police report documenting an instance or series of  
21 instances of family violence, sexual assault, or stalking;

22 (2) a valid court order of protection; or

23 (3) a declaration under penalty of perjury from a licensed  
24 medical or mental health care provider, an employee of a court acting  
25 within the scope of their employment, a social worker, or an advocate

1 acting on behalf of an agency that assists victims of family violence,  
2 sexual assault, stalking, or criminal sexual conduct.

3 (d) When an opt-out request is submitted to a wireless  
4 telecommunications service provider pursuant to Subsection (c) of this  
5 Section, the wireless telecommunications service provider shall, within forty-  
6 eight (48) hours from the time the opt-out request is submitted to the wireless  
7 telecommunications service provider:

8 (1) transfer the billing authority and all rights to the wireless  
9 telephone number or numbers of a shared wireless plan to the person  
10 who has been granted the release pursuant to Subsection (c) of this  
11 Section, if such a transfer is requested by or on behalf of the victim with  
12 the victim's approval; or

13 (2) remove or release the person who has been granted the  
14 release pursuant to Subsection (c) of this Section from a shared wireless  
15 plan and assign a substitute telephone number or numbers, without  
16 charge, penalty, or fee.

17 (e) A wireless telecommunications service provider shall make  
18 information about the options and process described in Subsections (c) and  
19 (d) of this Section readily available to consumers:

20 (1) on its website and any mobile application of the provider;

21 (2) in physical stores; and

22 (3) in other forms of public-facing consumer communication.

23 (f) A wireless telecommunications service provider shall treat any  
24 information submitted by a victim under Subsection (c) of this Section as  
25 confidential.

1 (g) A cause of action shall not lie against any wireless  
2 telecommunications service provider, its officers, employees, or agents for the  
3 actions taken that are related to the transfer of the billing authority and rights  
4 to the wireless telephone number or numbers in accordance with this Section.”

5 **Section 4. Effective Date.** This Act shall be effective thirty (30) calendar  
6 days after enactment.

7 **Section 5. Severability.** If any provision of this Act or its application to any  
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
9 not affect other provisions or applications of this Act that can be given effect without  
10 the invalid provision or application, and to this end the provisions of this Act are  
11 severable.