

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
142-36 (LS) As amended by the Committee on Health, Land, Justice and Culture; and further amended on the Floor.	Frank Blas Jr. V. Anthony Ada Joe S. San Agustin Jose "Pedo" Terlaje James C. Moylan	AN ACT TO AMEND §25.30 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ADDING MORE PROTECTION FOR MINOR VICTIMS UNDER THE OFFENSE OF 4TH DEGREE CRIMINAL SEXUAL CONDUCT AND ENSURING THAT THE OFFENSE OF 4TH DEGREE CRIMINAL SEXUAL CONDUCT AGAINST A MINOR CANNOT BE REDUCED FROM A FELONY OF THE THIRD DEGREE TO A MISDEMEANOR.	5/25/21 2:23 p.m.	5/28/21	Committee on Health, Land, Justice, and Culture	9/15/21 2:30 p.m.	11/12/21 4:30 p.m. As amended by the Committee on Health, Land, Justice and Culture	Request: 5/28/21 Waiver: 6/4/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	1/21/22	AN ACT TO AMEND § 25.30 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ADDING MORE PROTECTION FOR MINOR VICTIMS UNDER THE OFFENSE OF FOURTH DEGREE CRIMINAL SEXUAL CONDUCT AND ENSURING THAT THE OFFENSE OF FOURTH DEGREE CRIMINAL SEXUAL CONDUCT AGAINST A MINOR CANNOT BE REDUCED FROM A FELONY OF THE THIRD DEGREE TO A MISDEMEANOR.	1/28/22	1/28/22	2/9/22	36-79	2/9/22	Received: 2/10/22 Mess and Comm. Doc. No. 36GL-22-1659	



Bill Nos. 142-36, 174-36, 186-36 and Substitute Bill Nos. 162-36, 229-36 nka P.L. Nos. 36-75 to 36-79 and, VETOED Substitute Bill No. 173-36

june.borja@guam.gov <june.borja@guam.gov>

Wed, Feb 9, 2022 at 4:47 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>, gcepeda@guamcourts.gov, guamcompiler@gmail.com, libanez@guamcourts.gov, CHIEF OF STAFF Jon Junior Galvo <jon.galvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@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>, admin@bbmr.guam.gov, analyn.eustaquio@bbmr.guam.gov, "Michael D. Weakley" <michael.weakley@guam.gov>, rikki.orsini@guam.gov

Hafa Adai Madame Speaker.

Please find a copy of the attached letters dated February 9, 2022 from the **Honorable Lourdes A. Leon Guerrero, / Maga'hågan Guåhan** regarding the following Bills and Substitute Bills. The original transmittals will be delivered to your office later today.

- **SUBSTITUTE BILL NO. 162-36 (COR) nka P.L. 36-75** – An Act to *Amend* § 49107(f) of Chapter 49, § 50119 of Chapter 50, and § 51204(a) of Chapter 51, All of Title 10, Guam Code Annotated; and to *Amend* §§ 10109(g)(2) and (g)(3) of Chapter 10, Title 22, Guam Administrative Rules and Regulations, Relative to Authorizing the Continuous Appropriation of Funds for Program Funds Maintained by the Guam Environmental Protection Agency;
- **SUBSTITUTE BILL NO. 229-36 (LS) nka P.L. 36-76** – An Act to *Amend* § 75A109(c) of Chapter 75A, Title 21, Guam Code Annotated, and Section 4 of Public Law 35-112; and to *Add* a New Chapter 6A of Title 18, Guam Administrative Rules and Regulations, Relative to Complying with Legislative and Administrative Changes Required Under the Settlement Agreement made by and between the United States of America and Government of Guam, Chamorro Land Trust Commission & Administrative Director of the Chamorro Land Trust Commission, in United States vs. Government of Guam, et al. (D.Guam), Civil No. 17-CV-001113, as Transmitted to / *Liheslaturan Guahan* by the Chamorro Land Trust Commission;
- **BILL NO. 185-36 (COR) nka P.L. 36-77** – An Act to Transfer Lot No. 10122-14NEW-R1 in the Municipality of Dededo, Formerly Known as the Dededo Solid Waste Transfer Station, to the Guam Environmental Protection Agency for the Purpose of Developing and Constructing its Headquarters;
- **BILL NO. 174-36 (LS) nka P.L. 36-78** – An Act to *Amend* §§ 15201 and 15206 of Article 2, Chapter 15 and § 6108 of Chapter 6, and Add a New § 3102.1(g) of Chapter 3, All of Title 3, Guam Code Annotated; and to *Add* a New § 3101.3(h) of Article 1, Chapter 3, Title 16, Guam Code Annotated, Relative to Addressing Election-Related Timelines Associated with the Primary Election, Nomination Petition, and Voter Registration;
- **BILL NO. 142-36 (LS) nka P.L. 36-79** – An Act to *Amend* § 25.30 of Chapter 25, Title 9, Guam Code Annotated, Relative to Adding More Protection for Minor Victims Under the Offense of Fourth Degree Criminal Sexual Conduct and Ensuring that the Offense of Fourth Degree Criminal Sexual Conduct Against a Minor Cannot be Reduced from a Felony of the Third Degree to a Misdemeanor; and

- **VETOED SUBSTITUTE BILL NO. 173-36 (LS)** – An Act to *Amend* § 9112 of Chapter 9, § 117 of Chapter 1, § 14105 of Chapter 14, and § 13103 of Chapter 13; and to *Add* a New § 15110 to Article 1 of Chapter 15, and to a New § 1124 to Chapter 1, All of Title 3, Guam Code Annotated, Relative to Addressing and Modernizing Election-Related Issues, to Include the Counting of Provisional Ballots, Electioneering at Polling Places, the Cancellation of the Primary Election in Certain Circumstances, and Vacancies.

36GL-22-1655 / 36GL-22-1656 /
36GL-22-1657 / 36GL-22-1658 /
36GL-22-1659 / 36GL-22-1660

Thank you.

**OFFICE OF THE SPEAKER
THERESE M. TERLAJE**

Respectfully,

June M.C. Borja

Administrative Services Officer

OFFICE OF THE GOVERNOR OF GUAM

Office of Legal Counsel

Ricardo J. Bordallo Governor's Complex

Adelup, Guam 96910

P.O. Box 2950, Hagåtña, Guam 96932

Office No.: (671) 473-1118

Fax No.: (671) 477-4826

-02-09 2022







4:47 pm

Time: _____

Received: _____

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6 attachments

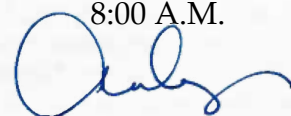
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266K

COMMITTEE ON RULES

RECEIVED:

February 10, 2022

8:00 A.M.



LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

February 9, 2022

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guāhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: BILL NO. 142-36 (LS) – An Act to *Amend* § 25.30 of Chapter 25, Title 9, Guam Code Annotated, Relative to Adding More Protection for Minor Victims Under the Offense of Fourth Degree Criminal Sexual Conduct and Ensuring that the Offense of Fourth Degree Criminal Sexual Conduct Against a Minor Cannot be Reduced from a Felony of the Third Degree to a Misdemeanor

Hafa Adai Madame Speaker,

Sexual crimes leave a damaging impact on the physiological, psychological, and social well-being of their victims. This is especially true for victims who are minors, for whom the effects of such victimization can endure well into adulthood. Under existing Guam law, an individual who engages in sexual contact with a minor between the ages of 14 and 16 is charged with a misdemeanor, including those who are repeat offenders. To ensure the protection of these vulnerable victims, who are legally presumed incapable of consenting to sexual activity, Bill No. 142-36 prohibits the reduction of an offense of fourth-degree criminal sexual conduct against these minors from a third-degree felony to a misdemeanor, regardless of whether the person charged is a first time offender. Bill No. 142, now **Public Law No. 36-79** ensures that the individuals who commit these crimes receive the enhanced penalties that we as a people believe are fair, just, and proportionate to the severity of these crimes committed against this vulnerable population.

Senseremente,

A handwritten signature in blue ink, appearing to read "Lourdes A. Leon Guerrero".

LOURDES A. LEON GUERRERO

Maga'hāgan Guāhan

Governor of Guam


Enclosure: Bill No. 142-36 (LS) *nka* P.L. No. 36-79

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo* Maga'lāhen Guāhan
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. 142-36 (LS)**, “AN ACT TO *AMEND* § 25.30 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ADDING MORE PROTECTION FOR MINOR VICTIMS UNDER THE OFFENSE OF FOURTH DEGREE CRIMINAL SEXUAL CONDUCT AND ENSURING THAT THE OFFENSE OF FOURTH DEGREE CRIMINAL SEXUAL CONDUCT AGAINST A MINOR CANNOT BE REDUCED FROM A FELONY OF THE THIRD DEGREE TO A MISDEMEANOR,” was on the 28th day of January 2022, duly and regularly passed.



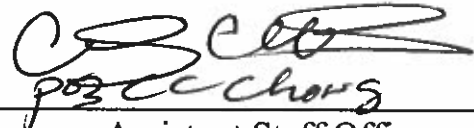
Therese M. Terlaje
Speaker

Attested:




Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 28th day of January
2022, at 12:31 o'clock P.M.



Assistant Staff Officer
***Maga'håga's* Office**

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 02/09/2022

Public Law No. 36-19

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 142-36 (LS)

As amended by the Committee on Health,
Land, Justice, and Culture; and further
amended on the Floor.

Introduced by:

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

**AN ACT TO *AMEND* § 25.30 OF CHAPTER 25, TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO ADDING
MORE PROTECTION FOR MINOR VICTIMS UNDER
THE OFFENSE OF FOURTH DEGREE CRIMINAL
SEXUAL CONDUCT AND ENSURING THAT THE
OFFENSE OF FOURTH DEGREE CRIMINAL SEXUAL
CONDUCT AGAINST A MINOR CANNOT BE REDUCED
FROM A FELONY OF THE THIRD DEGREE TO A
MISDEMEANOR.**

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

2 **Section 1.** § 25.30 of Chapter 25, Title 9, Guam Code Annotated, is
3 hereby *amended* to read:

1 **“§ 25.30. Fourth Degree Criminal Sexual Conduct.**

2 (a) A person is guilty of criminal sexual conduct in the fourth
3 degree if he or she engages in sexual contact with another person and if
4 any of the following circumstances exists:

5 (1) force or coercion is used to accomplish the sexual contact;

6 (2) the actor knows or has reason to know that the victim
7 is mentally defective, mentally incapacitated or physically helpless;

8 (3) the victim is at least fourteen (14) years of age and under
9 sixteen (16) years of age.

10 (b) Criminal sexual conduct in the fourth degree is a felony of the
11 third degree, except, where the actor is a first time offender and the victim is
12 eighteen (18) years of age or older, it shall be a misdemeanor.”

13 **Section 2. Effective Date.** This Act shall be effective upon enactment.