EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

2012 DEC 11 AM 10:30

December 10, 2012

31-12-1979
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/10/12
Time 5:20pm
Received by

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 482-31 (COR) "AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY", which I signed into law on December 6, 2012 as **Public Law 31-246.**

Senseramente,

EDDIE BAZA CALVO

Attachment: copy of Bill

1979

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that Bill No. 482-31 (COR), "AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY", was on the 26th day of November 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 28th day of Nov., 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: DEC 06 2012

Public Law No. 31-246

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 482-31 (COR)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
V. C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds, through communication and collaboration with the Office of the Attorney General, that there is a need to update Guam's criminal laws in order to combat the different forms of crimes taking shape over the internet and cyberspace.

I Liheslaturan Guåhan is especially concerned with internet crimes against children. As a matter of reference, P.L. 29-63, which seeks to update Guam's laws to protect children from online predators, was enacted in April 2008. P.L. 29-63 established the penalties for individuals found guilty of crimes involving the solicitation of children and child pornography, including indecent electronic display to a child, electronic enticement of a child as a third degree felony, possession of child pornography, and dissemination of child pornography.

I Liheslaturan Guåhan further finds it necessary to amend the current electronic enticement laws, as recognized and recommended by the Office of the Attorney General, in order to correct a clerical oversight that might have occurred when the current legislation was finalized, resulting in the statute being unclear as to the elements of the crime.

Therefore, *I Liheslatura* intends to correct such clerical and technical error so that there will be no issues as to the clarity and intent of applicable statutes with respect to crimes involving the solicitation of children and child pornography.

Section 2. §§25.01.20, 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, are hereby *amended* to read:

"**§ 25.01.20. Electronic Enticement of a Child as a Third Degree Felony.**

(a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission to solicit, lure, or entice, or attempt to solicit, lure, or entice:

(1) intentionally or knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(C) with another person who represents him *or* herself to be under the age of eighteen (18) years,

(2) with the intent to promote *or* facilitate the commission of an unlawful sexual act or sexual offense in violation of Guam law, or another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01,

is guilty of electronic enticement of a child as a Third Degree Felony.

(b) Electronic enticement of a child under this Section is a Third Degree Felony.

(c) Each separate use of a computer online service, internet service, *or* any other device capable of electronic data storage or transmission wherein an offense described in this Section is committed may be charged as a separate offense.

(d) It *shall not* constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law enforcement was involved in the detection or investigation of a violation of this Section."

"**§ 25.01.30. Electronic Enticement of a Child as a Second Degree Felony.**

(a) Any person who, using a computer online service, internet service, *or* any other device capable of electronic data storage *or* transmission:

(1) intentionally *or* knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(C) with another person who represents him *or* herself to be under the age of eighteen (18) years,

(2) with the intent to promote or facilitate the commission of a felony, *or* another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01, agrees to meet with the minor, or with another person who represents him *or* herself to be a minor under the age of eighteen (18) years; and

(3) intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time,

is guilty of electronic enticement of a child as a Second Degree Felony.

(b) Electronic enticement of a child under this Section is a Second Degree Felony."

"**§ 25.01.40. Electronic Enticement of a Child as a First Degree Felony.**

(a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission:

(1) intentionally or knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(C) with another person who represents him or herself to be under the age of eighteen (18) years,

(2) with the intent to promote or facilitate the commission of a felony:

(A) that is murder or aggravated murder as defined in Title 9 GCA Chapter 16;

(B) that is a first degree felony; or

(C) that is another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01,

agrees to meet with the minor, or with another person who represents him or herself to be a minor under the age of eighteen (18) years; and

(3) intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time,

is guilty of electronic enticement of a child as a First Degree Felony.

(b) Electronic enticement of a child under this Section is a First Degree Felony."

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

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 11/26/12

VOTING SHEET

ABill No. 482-31(COR)
Resolution No. _____
Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.					EA
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				
TOTAL	13	0	0	0	2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

*3 Passes = No vote
EA = Excused Absence

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Taijeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

Other Committee Membership:

Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform

Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources

Member, Committee on Education and Public Libraries

Member, Committee on Guam Military Buildup and Homeland Security

Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

August 2, 2012

2012 AUG -2 PM 1:43

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: **The Honorable Rory J. Respicio**
Chairman, Committee on Rules

RE: **Committee Report on Bill No. 482-31(COR) as Amended.**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 482-31 (COR) - "AN ACT TO AMEND §25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY",** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

10	**TO PASS**
0	**NOT TO PASS**
0	**TO REPORT OUT ONLY**
0	**ABSTAIN**
0	**INACTIVE FILE**

Sincerely,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairman

Attachments

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: Senator@SenatorPalacios.com • Website: www.senatorpalacios.com

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT ON
Bill No. 482-31 (COR)
As Amended by the Committee on
Public Safety, Law Enforcement & Judiciary

AN ACT TO AMEND §25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: Senator@SenatorPalacios.com • Website: www.senatorpalacios.com

Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
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Senator V. Anthony Ada
Member

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Member

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Senator Aline A. Yamashita, Ph.D.
Member

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Member, Committee on Education and Public Libraries

Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources

Member, Committee on Guam Military Buildup and Homeland Security

Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

July 30, 2012

MEMORANDUM

TO: **ALL MEMBERS**
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: **Senator Adolpho B. Palacios, Sr.**
Committee Chairman

SUBJECT: **Committee Report on Bill No. 482-31 (COR) as Amended.**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 482-31 (COR) — "AN ACT TO AMEND §25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY."** — sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of **Bill No. 482-31 (COR) as Amended**
- Copy of **Bill No. 482-31 (COR) as Introduced**
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note for **Bill No. 482-31 (COR)**
- Copy of COR Referral of **Bill No. 482-31 (COR)**
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: Senator@SenatorPalacios.com • Website: www.senatorpalacios.com

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE VOTING SHEET:

Bill No. 482-31 (COR) as Amended — "AN ACT TO AMEND §25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY." – sponsored by Senator Adolpho B. Palacios, Sr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		7/30/12				
Thomas C. Ada Vice Chairman		✓				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member						
Rory J. Respicio Member		7/30/12				
Dennis G. Rodriguez, Jr. Member		7/31/12				
Judith T. Won Pat, Ed.D. Member		7/30/12				
V. Anthony Ada Member		7/31/12				
Christopher M. Duenas Member						
Mana Silva Taijeron Member		7/31/12				
Aline A. Yamashita, Ph.D. Member		7/31/12				

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 482-31 (COR) — "An act to *amend* §§25.01.20, 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, relative to the solicitation of children and child pornography."— Authored by Chairman Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary ("Committee") convened the public hearing on July 13, 2011 at 9:05 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 482-31 (COR) - "An act to *amend* §§25.01.20, 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, relative to the solicitation of children and child pornography", authored by Chairman Adolpho B. Palacios, Sr.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on July 3, 2012 (5-day Notice) and on July 10, 2012 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman
Vice-Speaker Benjamin J.F. Cruz
Senator Aline Y. Yamashita, Member

Individual(s) Registered for oral or written testimony:

Philip J. Tydingco, Chief Deputy Attorney General, Office of the Attorney General, provided oral and written testimony in support of the Bill.

Carol Hinkle-Sanchez, Deputy Attorney General, Family (Juvenile) Division, Office of the Attorney General, provided oral testimony in support of the Bill.

Fred E. Bordallo, Jr., Chief of Police, Guam Police Department, provided written testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr., convened the public hearing at 9:05 a.m., read the agenda, recognized the Senators present, explained the procedures of the hearing, and provided brief opening remarks concerning Bill No. 482-31 (COR).

Chairman Palacios informed those in attendance that the introduction of Bill No. 476-31 (COR) and Bill No. 482-31 (COR) is a result of the ongoing collaboration between his office and the Office of the Attorney General. He thanked the Office of the Attorney General for raising the issues addressed in both bills, as a means to clarify specific statutory language which is critical to the Office's ability to file charges against individuals involved in the possession, creation and dissemination of child pornography; and, to address issues concerning the solicitation of minors as provided in Chapters 25 and 28 of 9GCA.

Following his introductory remarks, Chairman Palacios recognized Chief Deputy Attorney General Philip Tydingco from the Office of the Attorney General to provide testimony regarding Bill No. 482-31 (COR). Chairman Palacios further allowed Mr. Tydingco to present comments on Bill No. 482-31 (COR), as both bills address similar matters.

Mr. Tydingco thanked Chairman Palacios for his assistance in introducing the legislation and proceeded with reading his prepared remarks in support of Bill No. 476-31 (COR) and Bill No. 482-31 (COR).

In summary, Mr. Tydingco expressed the need for *I Liheslatura* to amend specific language in Chapters 25 and 28 of 9GCA, relative to the definition of pornographic and the solicitation of minors. Mr. Tydingco informed the Committee that the ability of the Office of the Attorney General to file charges against individuals could be hampered because of a lack of definition(s), simple errors or misplaced terms or punctuations in statute. Mr. Tydingco concluded that his office has reviewed Bill Nos. 476-31 (COR) and 482-31 (COR), and has submitted minor edits for the Committee's consideration.

Deputy Attorney General Carol Sanchez followed Mr. Tydingco's presentation and briefly commented in support of Bill Nos. 476-31 (COR) and 482-31 (COR). Mrs. Sanchez echoed the concerns of Mr. Tydingco regarding the possibility of defense counsels questioning the constitutionality of certain statutes on the bases of displaced punctuations or similar clerical errors.

Following comments provided by Mrs. Sanchez, Chairman Palacios recognized Vice-Speaker Benjamin J.F. Cruz to offer some remarks or to ask questions. Vice-Speaker Cruz had no questions to ask but thanked the Office of the Attorney General for pursuing the proposed amendments, ensuring the closure of any loopholes offenders may use to avoid prosecution.

Chairman Palacios thanked Vice-Speaker Cruz for providing comments and further extended his appreciation to representatives from the Office of the Attorney General for submitting both verbal and written testimonies regarding Bill Nos. 476-31 (COR) and 482-31 (COR).

Chairman Adolpho B. Palacios, Sr., concluded the public hearing at 9:20 a.m.

Chairman Adolpho B. Palacios, Sr., declared that Bill Nos. 476-31 (COR) and 482-31 (COR) have been duly heard and that the Committee would continue to receive written testimony following the hearing. The hearing was adjourned at 9:20 a.m.

III. WRITTEN TESTIMONIES

Philip J. Tydingco, Chief Deputy Attorney General, Office of the Attorney General. *(Summarized in Section II)*

Fred E. Bordallo, Jr., Chief of Police, Guam Police Department.

Chief Bordallo submitted written testimony in support of Bill No. 482-31 (COR). He wrote that it is unfortunate that a mere definition, the lack of clarity and intention have precluded the Office of the Attorney General from formally charging a perpetrator for heinous acts against Guam's children, specifically the solicitation of children and child pornography. Chief Bordallo recognized that the collaboration between *I Liheslatura* and the Office of the Attorney General on this issue provides local law enforcement entities the confidence to move forward in assuring that these defenseless victims will now see justice.

No further written testimony was received within the ten- (10-) day period following the public hearing of Bill No. 482-31 (COR).

IV. FINDINGS AND RECOMMENDATION

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 482-31 (COR), as Amended by the Committee,** with the recommendation **TO PASS.**

2012 JUN 25 PM 2:26

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 482-31(cor)

Introduced by: Adolpho B. Palacios, Sr.

AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds, through communication and collaboration with the Office of the Attorney General, that there is a need to update Guam's criminal laws in order to combat the different forms of crimes taking shape over the internet and cyberspace.

I Liheslaturan Guåhan is especially concerned with internet crimes against children. As a matter of reference, P.L. 29-63, which seeks to update Guam's laws to protect children from online predators, was enacted in April 2008. P.L. 29-63 established the penalties for individuals found guilty of crimes involving the solicitation of children and child pornography including indecent

electronic display to a child, electronic enticement of a child as a third degree felony, possession of child pornography, and dissemination of child pornography.

I Liheslaturan Guåhan further finds it necessary to amend the current electronic enticement laws, as recognized and recommended by the Office of the Attorney General, in order to correct a clerical oversight that might have occurred when the current legislation was finalized resulting in the Statute being unclear as to the elements of the crime.

Therefore, *I Liheslatura* intends to correct such clerical and technical error so that there will be no issues as to the clarity and intent of applicable Statutes with respect to crimes involving the solicitation of children and child pornography.

Section 2. Sections 25.01.20, 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, are hereby *amended*, to read:

"**§25.01.20. Electronic Enticement of a Child as a Third Degree Felony.**

(~~a~~1)Any person who, ~~knowingly~~ use~~s~~ing a computer online service, internet service, or any other device capable of electronic data storage or transmission to solicit, lure, or entice, or attempt to solicit, lure, or entice:

(~~1~~a) Intentionally or knowingly communicates:

(i) With a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) With another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(~~3~~iii) With another person who represents him *or* herself to be under the age of eighteen (18) years, with the intent to promote *or* facilitate the commission of an unlawful sexual act or sexual offense in violation of Guam Law, or another criminal offense as set forth in Title 9 GCA Chapter 89, Section 89.01,

is guilty of electronic enticement of a child as a Third Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a Third Degree Felony.

(~~c~~3) Each separate use of a computer online service, Internet service, *or* any other device capable of electronic data storage or transmission wherein an offense described in this Section is committed may be charged as a separate offense.

(~~d~~4) It *shall not* constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law

enforcement was involved in the detection or investigation of a violation of this section."

"**§25.01.30. Electronic Enticement of a Child as a Second Degree Felony.**

(a1)Any person who, using a computer online service, Internet service, *or* any other device capable of electronic data storage *or* transmission:

(a) Iintentionally *or* knowingly communicates:

(1i) Wwith a minor known by the person to be under the age of eighteen (18) years;

(2ii) Wwith another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(3iii) Wwith another person who represents him *or* herself to be under the age of eighteen (18) years; and

(b) Wwith the intent to promote or facilitate the commission of a felony, *or* another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01, agrees to meet with the minor, or with another person who represents him *or* herself to be a minor under the age of eighteen (18) years,; and

(c) Intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time;

is guilty of electronic enticement of a child as a Second Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a Second Degree Felony."

"**§25.01.40. Electronic Enticement of a Child as a First Degree Felony.**

(~~a~~1)Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission:

(a) ~~I~~intentionally or knowingly communicates:

(~~1~~i) W~~w~~ith a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) W~~w~~ith another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years; or

(~~3~~iii) W~~w~~ith another person who represents him or herself to be under the age of eighteen (18) years;

(4b) W~~w~~ith the intent to promote or facilitate the commission of a felony:

(~~A~~i) T~~t~~hat is murder or aggravated murder as defined in Title 9 GCA Chapter 16;

(~~B~~ii) T~~t~~hat is a first degree felony; or

(~~C~~iii) T~~t~~hat is another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01,

agrees to meet with the minor, or with another person who represents him or herself to be a minor under the age of eighteen (18) years; and

(~~5~~c) Intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time,

is guilty of electronic enticement of a child as a First Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a First Degree Felony."

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

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 482-31 (COR)
As Amended by the Committee on Public Safety,
Law Enforcement and Judiciary

Introduced by: Adolpho B. Palacios, Sr.

AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds, through communication and collaboration with the Office of the Attorney General, that there is a need to update Guam's criminal laws in order to combat the different forms of crimes taking shape over the internet and cyberspace.

I Liheslaturan Guåhan is especially concerned with internet crimes against children. As a matter of reference, P.L. 29-63, which seeks to update Guam's laws to protect children from online predators, was enacted in April 2008. P.L. 29-63 established the penalties for individuals found guilty of crimes involving the

solicitation of children and child pornography including indecent electronic display to a child, electronic enticement of a child as a third degree felony, possession of child pornography, and dissemination of child pornography.

I Liheslaturan Guåhan further finds it necessary to amend the current electronic enticement laws, as recognized and recommended by the Office of the Attorney General, in order to correct a clerical oversight that might have occurred when the current legislation was finalized resulting in the Statute being unclear as to the elements of the crime.

Therefore, *I Liheslatura* intends to correct such clerical and technical error so that there will be no issues as to the clarity and intent of applicable Statutes with respect to crimes involving the solicitation of children and child pornography.

Section 2. Sections 25.01.20, 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, are hereby *amended*, to read:

"**§25.01.20. Electronic Enticement of a Child as a Third Degree Felony.**

(~~a~~1)Any person who, ~~knowingly~~ use~~s~~ing a computer online service, internet service, or any other device capable of electronic data storage or transmission to solicit, lure, or entice, or attempt to solicit, lure, or entice:

(~~1~~a) Intentionally or knowingly communicates:

(i) With a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) With another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(~~3~~iii) With another person who represents him *or* herself to be under the age of eighteen (18) years, with the intent to promote *or* facilitate the commission of an unlawful sexual act or sexual offense in violation of Guam Law, or another criminal offense as set forth in Title 9 GCA Chapter 89, Section 89.01,

is guilty of electronic enticement of a child as a Third Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a Third Degree Felony.

(~~c~~3) Each separate use of a computer online service, Internet service, *or* any other device capable of electronic data storage or transmission wherein an offense described in this Section is committed may be charged as a separate offense.

(~~d~~4) It *shall not* constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law

enforcement was involved in the detection or investigation of a violation of this section."

"**§25.01.30. Electronic Enticement of a Child as a Second Degree Felony.**

(~~a~~1)Any person who, using a computer online service, Internet service, *or* any other device capable of electronic data storage *or* transmission:

(a) I~~i~~ntentionally *or* knowingly communicates:

(~~1~~i) W~~w~~ith a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) W~~w~~ith another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(~~3~~iii) W~~w~~ith another person who represents him *or* herself to be under the age of eighteen (18) years; and

(b) W~~w~~ith the intent to promote or facilitate the commission of a felony, *or* another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01, agrees to meet with the minor, or with another person who represents him *or* herself to be a minor under the age of eighteen (18) years~~,~~; and

(c) Intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time;

is guilty of electronic enticement of a child as a Second Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a Second Degree Felony."

"**§25.01.40. Electronic Enticement of a Child as a First Degree Felony.**

(~~a~~1)Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission:

(a) ~~I~~intentionally or knowingly communicates:

(~~1~~i) W~~w~~ith a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) W~~w~~ith another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(~~3~~iii) W~~w~~ith another person who represents him or herself to be under the age of eighteen (18) years;

(4b) W~~w~~ith the intent to promote or facilitate the commission of a felony:

(~~A~~i) T~~t~~hat is murder or aggravated murder as defined in Title 9 GCA Chapter 16;

(~~B~~ii) T~~t~~hat is a first degree felony; or

(~~C~~iii) T~~t~~hat is another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01,

agrees to meet with the minor, or with another person who represents him or herself to be a minor under the age of eighteen (18) years; and

(~~5~~c) Intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time,

is guilty of electronic enticement of a child as a First Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a First Degree Felony."

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

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

FRIDAY, JULY 13, 2012

Bill No. 482-31 (COR) – AN ACT TO *AMEND* §§25.01.20 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY. – **sponsored by Senator Adolpho B. Palacios, Sr.**

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	*NOT* IN FAVOR
Fred E Bordeska	Guam Police	475-8508		✓	✓	
Phil Tydingco	AGU		✓	✓	✓	
Carol Hinkle Sanchez	AGO	475 3324x4010	✓	✓	✓	

Leonardo M. Rapadas
Attorney General

Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

July 12, 2012

The Honorable Adolpho B. Palacios, Sr.
Senator, The 31st Guam Legislature
Chairman, Committee on Public Safety,
Law Enforcement & Judiciary
155 Hesler Place
Hagatna, Guam 96910

Subject: **Bill No. 476-31** that seeks to add a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, relative to defining the term "Pornographic; " and
Bill No. 482-31 that seeks to amend § 25.01.20, § 25.01.30, and § 25.01.40 of Chapter 25.01 under Title 9 of the Guam Code Annotated, relative to the solicitation of children

Dear Chairman Palacios,

Attorney General Leonardo Rapadas and the Office of the Attorney General supports both Bill No. 476-31 that seeks to add a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, relative to defining the term "Pornographic, " and Bill No. 482-31 that seeks to amend § 25.01.20, § 25.01.30, and § 25.01.40 OF CHAPTER 25.01 UNDER TITLE 9 OF THE GUAM CODE ANNOTATED, relative to the solicitation of children in an attempt to fix a technical clerical error with respect to the elements of each respective crimes.

The Office of the Attorney General has been working closely with *I Liheslaturan Guåhan* to amend current laws and/or enact new criminal laws that combat the new forms of crimes taking shape over the internet and cyberspace, especially internet crimes against children. The Office of the Attorney General and law enforcement agencies have seen an increase in the number of sex crimes occurring on Guam, and particularly, a rise in crimes involving possession of child pornography. Although Guam has a current law in place for child pornography, the Prosecution Division of the Office of the Attorney General has had to forgo charging the specific crimes of "child pornography" as a result of having discovered that our child pornography statutes did not specifically define the term "pornography" or "pornographic," and the references in the definition of "child pornography" found in the statute were circular and referred to Chapter 28 of Title G.C.A. for the specific definition of "pornographic." However, for reasons not known, the definition is **not** present in Chapter 28. It appears to have been an oversight or somehow was inadvertently omitted since much of Chapter 28 was

modeled after the State of Hawaii's laws that had the definition. Bill 476-31 seeks to rectify and resolve this issue by correcting and adding the definition to our laws. Therefore, the Office of the Attorney General fully supports this Bill.

Further, *I Liheslaturan Guåhan,* through Bill 482-31, also seeks to amend the current electronic enticement legislations to correct a clerical oversight that possibly occurred when the current legislation was finalized which caused the statute to be unclear as to the elements of the crime. Guam's legislation was drafted using Hawaii's statute, however in the drafting and enacting of the initial legislation, the formatting of the Bill was not followed making the law's reading unclear. The Office of the Attorney General fully supports Bill 482-31, where *I Liheslaturan Guåhan* now seeks to correct such clerical and technical error so that there will be no issues as to the clarity and intent of the legislation with respect to these crimes.

Sincerely,

PHILLIP J. TYDINGCO
Chief Deputy Attorney General of Guam

Confronting the many faces of Child Sexual Abuse: Developing a comprehensive national prevention strategy



Centre for Research & Education
on Violence against Women and Children



This [redacted] and [redacted] from a [redacted] on the [redacted] child [redacted] that took place on November 11-12, 2010 at the University of Western Ontario in London, Ontario. The think-tank brought together 22 practitioners, researchers, and government officials representing Canada from coast to coast. The purpose of this discussion paper is to reflect on current research, policy and practices across Canada that has been directed at preventing domestic homicides and provides a framework for future directions. This paper does not reflect the individual views of each participant, individual provinces and territories or the Department of Justice who funded this initiative. The government policy experts were attending as resource persons and did not speak for their government in any official capacity. The names of the Think Tank participants are listed in Appendix A. The Centre for Research and Education on Violence Against Women and Children is grateful for the funding provided by Canada's Department of Justice and the contributions of all the participants who attended the think-tank. This paper is a collaborative effort of Dr. Peter Jaffe, Barb MacQuarrie, Anna-Lee Straatman and Maureen Reid. We thank Rhonda Hallberg and Jenn Root for their work on earlier drafts of this paper and the organization of the think tank. For more information, please contact the Academic Director, Peter Jaffe via email – pjaffe@uwo.ca

Executive Summary

This paper summarizes key ideas and recommendations from a national think tank on the prevention of child sexual abuse that took place on November 11-12, 2010 at the University of Western Ontario in London, Ontario. The think-tank brought together 22 practitioners, researchers, and government officials from across Canada. The purpose of the think tank was to discuss child sexual abuse prevention. The purpose of this discussion paper is to reflect on current research, policy and practices across Canada that has been directed at preventing child sexual abuse and provides a framework for future directions. This framework represents the consensus of the discussion at the think-tank but does not reflect the individual views of each participant, individual provinces and territories or the Department of Justice who funded this initiative. The government policy experts were attending as resource persons and did not speak for their ministry in any official capacity.

Several emerging issues around child sexual abuse prevention were identified. There is concern that there is a perception that the incidence rates of child sexual abuse are declining whereas the people working in the field do not seem to be experiencing this as a reality. Online exploitation is a rapidly growing area of concern. Prevention, education and a[redacted] have become less coordinated and comprehensive in some areas. These issues present many challenges across Canada but various provinces and helping systems have implemented promising practices that should be shared on a broader basis. The think-tank participants recommended implementing the following plan to build on the current knowledge in the field and to prevent child sexual abuse on a national basis:

Recommendations

In order to develop a sustainable national Child Sexual Abuse prevention strategy we offer the following recommendations:

Universal Strategies

1. The federal government should appoint a lead ministry or government department to coordinate with other departments and national organizations to take a primary responsibility for protecting children from child sexual abuse and exploitation.

2. The lead Ministry should appoint an Expert Panel to advise on the development and implementation of various prevention strategies. The Expert Panel should include experts from various areas including education, justice, social service, mental health, media and social marketing professionals.

3. Review the recommendations of the Cornwall Inquiry for adaptation at a national level.

4. Implement a national public awareness campaign on the issue of sexual abuse of children and young people. Develop an enhanced public service campaign including key messages similar to the "Victims Matter" campaign, Neighbours Friends and Families campaign, and those developed through the Canadian Centre for Child Protection.
    - Key messages to be delivered to include tips on how to report abuse, how to respond when a child reports abuse
    - Appropriate messaging should be targeted at the public at large, messages for parents, volunteers, boys, girls, professionals, perpetrators and potential perpetrators.
    - A public service campaign should be tied to a larger education campaign that educates the broader public about child sexual abuse, impact and consequences

5. Conduct an annual audit of sexual abuse prevention strategies in schools to ensure effective programs are being implemented.

6. Conduct a comprehensive evaluation of child sexual abuse prevention programs that are being implemented across Canada and make recommendations for education programs that target a variety of age groups and populations. These education programs should be culturally appropriate and serve to meet the needs of the individual, family and community.

Selected Strategies

1. Support and enhance strategies such as the "National Strategy to prevent abuse in Inuit communities" that target specific populations, are culturally sensitive, and designed to build capacity in communities.

2. Promote and support education and awareness programs such as "Commit to Kids" for agencies and service groups that work with children that offer information and skills on detecting and responding to disclosures of child sexual abuse.

3. Promote child sexual abuse prevention programs and policies for organizations that work with children. These policies should go beyond screening protocols for adults who work with children and youth.

Indicated Strategies

1. Act on the recommendations of the Federal Ombudsman of Crime regarding the evaluation and expansion of child advocacy centres such as Edmonton's Zebra Child Protection centre across Canada.

2. Act on the recommendation of the Federal Ombudsman of Crime to enhance access to the National Sex Offender Registry so that frontline law enforcement personnel can access it on a timely and proactive basis. It is also recommended that the legislation governing the

National Sex Offender Registry be reviewed in order to improve its capacity as a public safety tool.

3. Expand the utilization of Circles of Support and Accountability across Canada to build capacity in communities to support and monitor sex offenders in order to prevent recidivism.

4. Provide sustainable funding for Adult Healing Centres that offer services to men and women adult survivors of child sexual abuse. Special outreach to men is required as they often resist being identified as victims and do not as readily accept counseling in comparison to women.

5. The Department of Justice should conduct an audit of child witness programs and policies that have been implemented throughout Canada.

6. Implement the recommendations of the Federal Ombudsman of Crime regarding enhanced detection of online luring and child sexual victimization and exploitation.

7. Develop support services for offenders and potential offenders through an Anonymous Helpline.

Background and context

Canada has taken a leadership role in its efforts to prevent and address child sexual abuse over the past thirty years. During that time numerous studies have been conducted to understand the impact of child sexual abuse, learn who the offenders are, develop effective education programs to teach children how to say no to sexual abuse and a number of legislative reforms have taken place. However, much more work is required.

Our country has witnessed over the last three decades revelations of child sexual abuse on a wide scale that has occurred in institutions where we previously assumed our children to be safe. Perpetrators have been respected people of the community including but not limited to teachers, clergy, and sports coaches. We have learned about systematic abuse that occurred to our aboriginal people in residential schools. Adults are disclosing experiences of child sexual abuse in unprecedented numbers. Some experienced abuse at the hands of a family member while others were one victim among many at the hands of an offender.

As a result of these disclosures and investigations we have learned a great deal about the impact abuse has on the individual, family and community. We are learning that child sexual abuse continues to be under reported due to the stigma attached and in many cases the lack of awareness by children of the victimization they are experiencing. We are learning that families continue to be unaware of the abuse that their children are experiencing or are unwilling to admit it. We have made some progress in educating children about sexual abuse, however, the rest of the community remains relatively unaware.

At the same time, child sexual abuse continues to evolve. There is some evidence that the rate of child sexual abuse may be declining, however, there seems to be a steady increase of child sexual abuse being perpetrated through the internet and other communication sources. The prolific abundance of child pornography and online luring calls for further examination of the issue and new strategies to prevent victimization.

Legal definitions of child sexual abuse

The earliest efforts in Canada to define and measure child sexual abuse occurred in 1984 when the government established the Committee on Sexual Offences against Children and Youths (often referred to as "the Badgley Report"). The Committee was established to ascertain the nature of child sexual abuse in Canada. For the purposes of the study the definition of child sexual abuse was broad and included any unwanted sexual behaviours by an adult on a child. The report revealed that the incidence of child sexual abuse was greater than first believed. The study provided a baseline understanding of the prevalence and characteristics of CSA and made several recommendations aimed at changing the substantive offence provisions and evidentiary law to more fully capture exploitation of children by adults in authority. The report and its recommendations had influence on the criminal justice system and lead to significant changes in the Criminal Code, changes in prosecution and treatment of offenders and improved public awareness of the issues surrounding child sexual abuse. The prevalence ratios reported by the Badgley Report continue to be sited and the report continues to have influence today on policy development (Government of Canada, 1984).

Department of Justice Canada defines sexual abuse and exploitation of children and youth as occurring when an older child, youth or adult takes advantage of a younger child or youth for sexual purposes including participation in prostitution, pornographic performances and in the production of pornography. Sexual activity includes all sexual contact ranging from sexual touching to sexual intercourse. Except for a narrow 'close in age' exception all sexual activity with a child under 16 years of age is a criminal offense regardless of the child's consent (Department of Justice Canada). Sexual abuse and exploitation involve using a child for sexual purposes such as fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, or involving a child in prostitution or pornography.

The child protection definition of child sexual abuse focuses on children and youth under the age of sixteen years who are sexually molested or exploited by a parent or a person in charge. A 'person in charge' includes formal caregivers such as babysitters, teachers and daycare providers and includes informal caregivers such as extended family and siblings. The definition also captures situations where the parent or caregiver failed to act or to protect the child from sexual molestation or exploitation. In Ontario, child sexual abuse is defined in the child welfare legislation under two large categories; sexual molestation and sexual exploitation.

The government of Manitoba has developed the Manitoba Strategy responding to children and youth at risk of, or survivors of sexual exploitation. For the purposes of the Manitoba strategy, child sexual exploitation is the act of coercing, luring or engaging a child, under the age of 18, into a sexual act, and involvement in the sex trade or pornography, with or without the child's consent, in exchange for money, drugs, shelter, food, protection or other necessities (http://www.gov.mb.ca/fs/childfam/strategy_on_sexual_exploitation.html).

In the past decade the concerns of Internet exploitation and abuse have grown. The National Center for Missing & Exploited Children (NCMEC) in the United States was funded in 1999 to conduct a survey to obtain a clearer picture of the scope of the problem of child sexual exploitation on the Internet. For the purposes of that study child sexual exploitation was defined as sexual solicitation approaches, aggressive solicitations and distressing sexual solicitation; and unwanted exposure to sexual material.

The scope of the problem

The Committee on Sexual Offences Against Children and Youth conducted an extensive study of child sexual abuse in Canada in 1984. Its report (the Badgley report) indicates that among adult Canadians, 53 percent of women and 31 percent of men reported experiencing unwanted sexual acts including being sexually abused when they were children (Government of Canada, 1984).

The Ontario Mental Health Supplement survey found that 12% of female respondents and 4% of male respondents to the survey reported a history of child sexual abuse. Much higher rates have been reported by aboriginal adults surveyed over the past 20 years ranging from 25-50% of aboriginal adults surveyed (Collin-Vezina, Dion, & Trocme, 2009). International studies

reveal a mean lifetime prevalence rate of 20% for females and 5-10% for males (Krug, Dahlberg, Mercy, Zwi, & Lozano, 2002).

The Canadian Incidence Study of Reported Child Abuse and Neglect

The Canadian Incidence Study of Reported Child Abuse and Neglect (CIS) in 1998, was the first nation-wide study to examine the incidence of reported child maltreatment and the characteristics of children and families investigated by Canadian child welfare services. This nation-wide study was originally conducted using data from 1998 and was replicated in 2003 and 2008. The first study collected information about more than 7,000 child welfare investigations conducted across the country during a three-month period in 1998. There were an estimated 135,573 child maltreatment investigations in 1998 and a little more than one in ten of those involved child sexual abuse as the primary or secondary reason for the investigation. The total investigations involving sexual abuse as primary category for investigation completed by the child protection services was 14,406 or 2.29 per 1000 children. Twenty one percent of those cases were substantiated, 15% were suspected and 64% remained unsubstantiated. In 2003 the number decreased to 12,682 investigations however when considered in a ratio of child per 1,000 children in the population it rose to 2.67 per 1000 children. (Trocme, MacLaurin, Fallon, Daciuk, Billingsley, Tourigny, Mayer, et al., 2001)

Results from the 2003 study indicated that the primary forms of substantiated sexual abuse investigated by child welfare services included attempted penetration, oral sex, penetration, exploitation, exhibitionism, voyeurism, sex talk and fondling. About two-thirds of the child sexual abuse victims were female and about two-thirds of the victims were between 8-15 years of age. The perpetrator in more than half of these cases was a person known to the victim: father, stepfather or other relative. However, in more than one-third of the cases the perpetrator was not known to the victim. It is important to note that unless there are concerns about parental supervision, many sexual abuse allegations involving non-family members are investigated by the police alone. Cases that are only investigated by the police and are not referred to child welfare services are not included in the Canadian Incidence Studies estimates.

Findings from the 2008 Canadian Incidence Study indicate that 2607 investigations of sexual abuse as the primary cause for investigation were substantiated, representing an incidence rate of .43 per 1000 children (Public Health Agency of Canada, 2010). Physical harm was identified in 11% of investigations where sexual abuse was the primary substantiated concern, with 8% of cases requiring medical treatment. Maltreatment was indicated as a single incident in 49% of cases where sexual abuse was the primary substantiated concern, and multiple incidents in 51% of sexual abuse investigations.

Rates of substantiated maltreatment are lower in Canada compared to the United States, but are higher than rates reported in Australia (Trocme, Tourigny, MacLauren, & Fallon, 2003). In Canada there was a rate of 9.7 per 1,000 children reported for maltreatment, with 9.6% of cases being classified as sexual abuse compared with the United States that had 12.9 per 1,000 children, with 12.4% being classified as sexual abuse. Australia is reported as having a range from 1.1 to 5.9 per 1,000 children, with 29% of cases being classified as sexual abuse.

Findings from the report Family Violence in Canada: A Statistical Profile (Canadian Centre for Justice Statistics, 2008), indicate that children and youth:

- Were most often victimized by someone they knew - the rate of sexual abuse against children and youth by a family member increased by 15% from 1998 to 2005
- Were most often victimized by their father or another male family member - fathers were involved in 35% of incidents against their children, followed by male extended family members (33%) and brothers (28%)
- Were most often girls - girls experienced sexual assault by a family member at a rate that was four times higher than the rate experienced by boys (102 compared to 25 incidents per 100,000 population)

The Incident-based Uniform Crime reporting (UCR2) survey collects detailed information on individual criminal incidents reported to police including characteristics of victims, accused persons and incidents and offers a national representation of the crimes committed in Canada, however the data is collected primarily from urban police departments. Data collected through the Uniform Crime Reporting Survey (UCRS) found that in 2003, children and youth under the age of 18 represented 21% of the Canadian population and 22% of victims of violent crime. Ssexual assault represented 19% of the overall offences involving children and youth (Statistics Canada, Canadian Centre for Justice Statistics, 2005). These findings also reveal gender-based trends in sexual abuse victimization and perpetration rates, as well as victim characteristics. Specifically:

- In 2006, the rate of police-reported sexual assaults against children and youth was over 5 times higher than it was for adults (190 compared to 35). Sexual assault level 1, the category of least physical injury to the victim, accounted for the majority of the sexual assaults committed against children and youth.
- Females aged 11-14 years experienced the highest rates of sexual assault by a family member While sexual assault rates were much lower for male child victims, they were highest among boys between 3 and 9 years of age
- Females aged 11-17 are most often sexually assaulted by non-family perpetrators The rate of sexual assault against children and youth committed by family members was 4 times higher for girls than for boys. Two-thirds of reported sexual assaults took place in a private dwelling (67%) followed by streets, roads, open areas and highways (11%).

Data from the UCRS, CIS, and associated reports provide some scope of the problem of CSA. However, they remain a problematic indicator of incidence given that child sexual abuse is often under-reported and police-reported data does not offer a truly geographical population or national representation of the volume of crime. It has been suggested that only 2% of cases involving sexual abuse perpetrated by a family member and 6% of cases perpetrated by a non-family members are ever reported to police (Russell, 1983). Keeping this in mind, this data proves to be very valuable given Canada's most reliable *prevalence* data comes from a variety of sources and the most comprehensive is more than 25 years old.

Are child sexual abuse rates declining?

Data from recent studies in the United States have led to the conclusion that child sexual abuse incidence and prevalence rates have declined dramatically since the early 1990's (Jones & Finkelhor, 2009; Finkelhor, 2009). A synopsis of findings from Canadian data indicates that the pattern of declining rates of child sexual abuse may not be as consistent. (Collin-Vezina et al, 2010). Their review of Canadian victimization surveys and police databases suggested that no decline in sexual crimes in Canada had occurred lately. A review of various sources of child protection data from Ontario, Quebec and the Canadian Incidence study offered conflicting results regarding the incidence and prevalence of child sexual abuse. Collin-Vezina et al conclude that too few studies have been conducted to assess the factors that may impact the incidence rates of CSA cases in Canada. It was recommended that studies be conducted to assess how different factors such as willingness to report abuse to police or child protection system impact the number of cases known to authorities.

Child sexual abuse and online exploitation

Children and youth are more connected to the internet than ever before. Statistics regarding Internet based child sexual exploitation and luring are difficult to obtain (RCMP 2005). The sexual exploitation of children and youth takes many forms and there are also interconnections between sexual abuse through prostitution and [redacted] level. The Internet provides new tools to assist in the sale of children and youth, creates space to communicate needs of and availability of such "services," and provides access to vulnerable people to victimize. Some examples of how technology has been utilized to change the way child sexual exploitation occurs include chat rooms and bulletin boards, cellular/mobile phones, and web cameras. There are also various mediums of computer related communication that can operate as vehicles that facilitate Internet based child sexual exploitation. [redacted] include anonymous remailers, e-mail, newsgroups, instant messaging, and short messaging service. These new developments and capabilities have several impacts on law enforcement efforts both locally and globally and have also altered the ways in which these crimes can be committed.

The Canadian Centre for Child Protection collected data of child abuse images on the internet through its tip line at cybertip.ca. Cybertip.ca processed more than 35,000 website incidents between September 2002 and March 2009 and more than 15,000 of these sites involved hosting child pornography. More than 80% of the images analyzed depicted very young children under the age of 12 and more than one third of the images depicted serious sexual assaults. Images of children who were less than eight years old most often depicted them being abused through sexual assaults. Extreme sexual assaults included bestiality, bondage, torture, and degrading acts such as defecation. More than three quarters of the images were of girl children (Bunzeluk, 2009).

A number of surveys have been conducted in the United States regarding Internet initiated sex crimes (Wolak, Finkelhor, Mitchell & Ybarra 2008). Findings from these studies indicate that:

- most Internet-initiated sex crimes involve adult men who use the Internet to meet and seduce underage adolescents into sexual encounters;
- offenders use Internet communications such as instant messages, e-mail, and chatrooms to [redacted];

- in the great majority of cases, victims are aware they are conversing online with adults;
- only 5% of offenders pretended to be teens when they met potential victims online
- most victims who meet offenders face-to-face go to such meetings expecting to engage in sexual activity.
- many victims profess love or close feelings for offenders.

Child sexual abuse within Aboriginal communities

In the 19th century the Canadian government developed a policy called "aggressive assimilation" to be taught at church-run, government residential schools. The physical, sexual abuse and neglect experiences of generations of Aboriginal and First Nations children in residential schools that were first established in the 19th century until the last school closed in 1996 are a source of trauma that continues to show evidence in families and communities. In June 2008 the Canadian government issued an apology and the Truth and Reconciliation Commission was established to examine the legacy of the residential schools. While there has been progress there remains a great deal of work to be done to address historical traumas. The multiple generational factors that are the Aboriginal experience must be considered in a Canadian prevention strategy.

A review of research studies regarding incidence and prevalence rates of child sexual abuse in aboriginal communities found a prevalence rate of between 25 and 50% aboriginal adults surveyed in several communities across Canada in the past 20 years as compared to rates of 20 to 25% of non-aboriginal adults. In contrast, recent cases investigated for CSA allegations by the Canadian child protection authorities are less common for Aboriginal children and youth than for their non-Aboriginal counterparts (Collin-Vezina, Dion & Trocme, 2009).

Aboriginal children and youth represent a disproportionate percentage of commercially sexually exploited youth in Canada. In some western cities, aboriginal youth are an overwhelming majority of those involved in the sex trade(Kingsley & Mark, 2000). One study found that approximately 30% of youth employed in the Canadian sex trade were aboriginal (Koshan 2003).

Risk factors for abuse

Research suggests that some children are at greater risk for child sexual abuse based on certain familial or social-emotional characteristics. For example, children with few friends or social supports, absent or unavailable parents, families experiencing conflict with or between parents (Finkelhor, 1986) are understood to be at greater risk. Others suggest certain developmental characteristics put children at increased risk of harm. Some studies consider children between certain vulnerable ages, specifically the ages of 7 and 12 years of age, to be the greatest risk factor for abuse (Trickett et al., 1997; Fleming, 1997; Nelson et al., 2002). Keeping these studies in mind, Finkelhor reports, based on studies examining risk factors for sexual abuse, the main markers for child victimization include; not living with both parents and residing in families characterized by parental discord, divorce, violence, and impaired supervisory capacities (Finkelhor, 2009).

Risk factors for online sexual exploitation

Based on findings from the Youth Internet Safety Survey (Finkelhor et al, 2000) and the Internet-based Sexual Exploitation of Children and Youth Environmental Scan (National Child Exploitation Coordination Centre, 2005), the majority of children who experience at least one sexual solicitation (19% of respondents in the US survey) are most likely to be girls, older adolescents between 14-17, youth who are already troubled (i.e. experiences a death in the family, moving to new home, parents divorced or separated, parent losing a job, or depression symptoms in the past month), demonstrate a higher frequency of Internet use (i.e. more than 4 or more days online in a typical week, and 2 or more hours online in a typical day), talked to strangers online, or used the Internet at households other than their own (Finkelhor, Mitchell, & Wolak, 2005). While girls and older adolescents may be at higher risk, it is important to note younger children (between 10 -13) seem to consider sexual exploitation online to be more distressing (Finkelhor, Mitchell, & Wolak, 2005).

Clinicians and researchers continue to struggle with identifying exactly what makes youth vulnerable to online sexual solicitation. Wells & Mitchell (2007) report youth victims of online sexual exploitation were more likely to have a post-traumatic stress disorder than youth with other Internet-related problems (such as Internet over-use). They also suggest that victims of online sexual exploitation have some of the same mental health characteristics as traditional sexual abuse victims (i.e. anxiety, suicidal ideation, somatic complaints, drug/alcohol use, social withdrawal, difficulties in school, etc.). Similarly, Ybarra and colleagues (2005) found youth who report major depressive symptoms (as described in the DSM-IV) were more likely to engage in personal disclosure online compared with youth who indicate mild or no depressive symptomatology. Other studies indicate that youth with depressive symptomatology may be 'replacing' in-person interaction with online interaction McKenna & Bargh, 2000; Joinson, 1998).

An emerging area of research related to youth vulnerability to online abuse is related to the concept of disinhibition. Disinhibition [illegible] (Joinson, 1998; Leung, 2002; Suler, 2004), describes the phenomenon of people saying and doing things online they may (or may not) do in face-to-face encounters. Essentially, the Internet provides opportunities to express feelings and thoughts more freely. Suler (2004) has taken this concept one-step further by exploring Internet disinhibition effect (IDE) and its role in developing false intimacy. He concludes people who establish online relationships share deeply personal information, more so than they would in face-to-face interactions because they feel anonymous, invisible, and less vulnerable to scrutiny. Internet disinhibition effect (IDE) is an important component to consider with adolescent Internet usage given their perceived anonymity online as mitigating risk, but their stage of development, mental health status, or other risk factors could actually contribute to further risk.

Socialization and gender-role factors contributing to risk

The media has historically influenced public attitudes toward victims and promoted community denial of the scope and breadth of the social problem. It has also been a significant and positive influence in increasing public awareness of the prevalence and incidents of child

sexual abuse. The media in all of its forms also has significant influence in gender role identification and stereotyping. It is believed that this influence also pertains to CSA with the portrayal of girls and boys as sexually provocative objects. In 1992 the American Psychological Association established a Task Force on the Sexualization of Girls and examined the psychological theory, research and clinical experience addressing the sexualization of girls in the media. The APA Task Force reported that virtually every media form studied provides ample evidence of the sexualization of women, and research links sexualization with three of the most common mental health problems of girls and women: eating disorders, low self-esteem, and depression or depressed mood.

Society's expectations of gender roles and behaviours suggest that even though both sexes are approached as often girls are abused more often than boys because girls are socialized to be more compliant and responsive to the needs of others. (Wellman, 1992) The influence of media in shaping society's view of children as sexual objects can increase their vulnerability. While the media can be a helpful educational tool for child sexual abuse prevention a comprehensive plan must also consider its influence on culture.

Institutional and structural systems contributing to risk

It is exceptionally difficult and nearly impossible to measure the prevalence and incidents of CSA by adults working in institutional and community settings. It is estimated that the over 8,000 claims by First Nations and Aboriginal people against the federal government for alleged sexual and physical abuse and loss of culture and native language while in residential school is only the tip of the iceberg when it comes to fully recognizing the prevalence of maltreatment in such settings (Wolfe, Jaffe, & Jette, 2003). Today the dynamics and issues of institutional abuse are no longer confined to a physical environment that controls all aspects of the child's life.

Institutional abuse is defined by Gallagher (2000) [redacted] abuse of a child (under 18 years of age) by an adult who works with him or her. The perpetrator may be employed in a paid or voluntary capacity; in the public, voluntary, or private sector; in a residential or non-residential setting; and may work either directly with children or be in an ancillary role" (p. 797). Adult survivors who have come forward in recent decades have contributed to our understanding of child sexual abuse in non-familial relationships and institutions. Wolfe, Jaffe, and Jette (2003) in their study of institutional abuse propose a conceptual framework that includes four factors:

(1) Significance and role within society: when an organization is highly valued in a community and its leaders held in high regard their actions tend to not be questions.

(2) Role of the perpetrator within the setting: individuals tend to be trusted as a result of their position in an organization and as a result children are put at greater risk because parents and adults are less likely to be diligent and question the adult's behaviours.

(3) Degree and nature of child involvement with the institution or organization: children and youth who have high levels of involvement with an organization are at greater risk as a result of easier access by adults who offend children.

(4) Abuse and post-abuse events: the efforts by the adult to maintain and ensure the child's silence can cause further harm on children and youth.

These factors contribute to the impact of child sexual abuse on victims at time of offence as well as offering long-term implications.

A comprehensive approach to understanding institutional abuse was explored through Ontario's Cornwall Inquiry. In 2005 the Ontario government established the Cornwall Inquiry to study the response of the justice system and other institutions in response to the historical sexual abuse of young people in the community of Cornwall, Ontario. The Cornwall Inquiry made over 100 recommendations to Ministry of Community Safety and Correctional Services, Cornwall Police Services, Ontario Provincial Police, Children's Aid Society and local school boards. Recommendations were grouped into the following categories:

- training to increase knowledge and awareness of child sexual abuse,
- joint training for police and child protection on response and investigation of CSA,
- development of protocols between community organizations that guide response to reports and set out professional's duty to report to Children's Aid Society.

The Inquiry also set out over 65 recommendations to support healing and reconciliation. These recommendations focused on strategies to implement and sustain change in the various sectors studied by the Inquiry. The Inquiry recommended improved screening and training of potential employees who work with children. Recommendations also addressed the need for prevention strategies and called for public awareness campaigns, universal sexual abuse prevention programs in schools and improved collaboration and joint investigations of child sexual abuse.

Impact of child sexual abuse

The wide range of consequences of child sexual abuse has been documented in the research literature over the past decade. While there are some studies which report up to one-third of CSA victims may have no overt symptoms connected to their victimization (Friedrich & Schafer, 1995), the majority of findings suggest CSA is a serious risk factor for short-term and long-term mental, physical, and behaviour problems including:

- Vulnerability to re-victimization (Fox & Gilbert, 1994)
- Self-harming behaviour (Briere, 1989)
- Post-traumatic stress (Widom, 1999; Wolfe, Sas, & Wekerele, 1994)
- Depression (Kendall-Tackett & Finkelhor, 1993)
- Increased risk of psychiatric hospitalization (Briere, Woo, McRae, Foltz, & Sitzman, 1997)
- Eating disorders (Brown, Thornton, & Dunn, 1997)
- Addictions (Schafer, Schnack, & Soyka, 2000)
- Increased risk of indiscriminate sexual behaviour (Matthews, 1996)
- Suicidal ideation (Davidson, Hughes, George, & Blazer, 1996)
- Lower educational and employment attainment (Widom, 1997)
- Difficulty functioning in the workplace (Ponee, 1989)
- Prostitution (Widom, 1995)
- Homelessness (Rotheram-Borus, 1996)

- Increased risk of becoming a perpetrator of child abuse/child sexual abuse (Kaufman & Zigler, 1987)

Males are more likely to report being victims of non-relatives, with the abuse taking place outside of their homes. Males tend to be older than females at the time of first abuse. While male and female victims share a number of consequences and long-term reactions, male victims are more likely to experience the following sequelae:

- Physical injury (studies of emergency room records reveal that half of the cases of sexual assault of boys involved violence. Boys are more likely to have physical injuries than are girls)
- Addictions and substance abuse (studies of male victims indicate that this can be as many as 20% of male victims struggle with an addiction as a youth and adult) (Wellman, 1992)
- Suicidal ideation and suicide attempts and depression (studies found that up to 38% of male victims who report being depressed have attempted suicide) (Wellman, 1992; Walker, 2004)
- Sexual identify confusion
- Sexual dysfunction

This list of potential consequences should be interpreted with care as causal relationships are very difficult to establish given the presence of confounding variables such as family environment, age, and gender. Unfortunately, very little research has been done to understand exactly how the unique abuse perpetrated through online sexual exploitation impacts victims, and what can be done to help them heal.

Characteristics of child sexual abuse offenders

Individuals who offend against children are overwhelmingly male, ranging in age from adolescence to the elderly. "There are two life-stages peaks in onset for offending, one during adolescence, when delinquent behavior rises in general, and one during their thirties, when access to children again becomes more common" (Finkelhor, 2009, p. 171). A comprehensive literature review of studies regarding child molesters found that child molesters are mostly males form difficult family backgrounds, who have a range of behavioural problems both as children and adults. Child molesters are more likely to exhibit disruptive behavior, [redacted], aggression, poor social skills, depression and dysfunctional intimate relationships (Whitaker, et al, 2008). Factors that differentiate child molesters from non-offenders concern sexual deviancy and attitudes tolerant of adult-child sex. Although a history of abuse is associated with a large increase in the relative risk of becoming a sexual abuser, most victims of sexual abuse do not become abusers and most abusers were not abused themselves (Hanson, 2008).

A long-term follow-up study of CSA perpetrators in Canada found 42% were re-convicted of a sexual or violent crime during the 15-30 year follow-up period. In addition, the study showed the average recidivism rate for this group of offenders is actually lower than the average recidivism rate for non-sexual offenders (61% versus 83.2% respectively for any new conviction) (Hanson, 1996). This number (42%) should be interpreted with caution based on the

meta-analysis findings of Hanson and Bussiere (1998). In their meta-analysis of 61 research studies, all utilizing a longitudinal design and a comparison group, the average sex offense recidivism rate (as evidenced by re-arrest or reconviction) was 12.7 % for CSA perpetrators over a four to five year period.

Finkelhor (2009) warns of limiting our understanding of the characteristics of individuals who offend against children to an overly stereotyped characterization of CSA perpetrators (i.e. pedophiles). He suggests that CSA offenders are more diverse and include offenders who are never caught, arrested or convicted; those who are post-pubescent 12 –17 year olds; and juvenile offenders abusing other juveniles. In sum, the characteristics of individuals who offend against children and youth are not as heterogeneous as once thought. Rather they "range from a small group with a serious pathology and high recidivism risk to a larger group, including other youth, whose offending may be situational or transitory and who pose a lower risk" (Finkelhor, 2009 p. 172).

Special consideration of individuals who offend children and youth online

Online sexual perpetrators tends to be viewed as trustworthy by youth, and they often do not portray themselves to be anything other than what they are (McCune 2005). Perpetrators often do not lie about their age, marital status, or intention in befriending adolescents (Wolak et al., 2004). The unique ability of this group of sexual offenders to lure, groom, and in a sense 'befriend' this vulnerable group of youth has given way to what some researchers refer to as *compliant victims*. The victims of online sexual exploitation may be reluctant to identify their relationship with the perpetrator as being harmful or illegal or inappropriate, but this is an emerging area of concern for children and their families, as well as, professionals and law enforcement wanting to minimize the risk of harm to those victims. The RCMP environmental scan (p. 26, 2005) illustrates the complexity of these online relationships as it applies to the concept of a *compliant victim*:

> "At times the idea of compliant victims can cause social discomfort as many cannot understand why a 12 year old girl or boy would willingly meet a 30 year old man or woman in a hotel. It is important to remember that the relationship they have developed is "real" to the victim (and in some cases the offenders as well). While children have needs, wants, and desires and these are part of healthy development, their cooperation or participation in the victimization should not be viewed as having any relevance legally/criminal justice speaking."

Lanning (2002) suggests one of the reasons victims are labeled as *cooperative* or *compliant* is because of the perceived presence of consent provided by youth. Child victims are typically involved in an online 'relationship' that has developed over time between the adult offender and the victim, not unlike grooming relationships developed over time by offenders with victims in face-to- face situations. Perpetrators have indicated during interviews that they are almost instinctively able to pick out a child that will make a good victim (Holmes & Slap, 1998). Olsen, Daggs, Ellevold, & Rogers (2007) state:

> "The literature suggests that children who are deemed "good targets" by potential abusers possess three categories of characteristics that make them particularly vulnerable to a

predator's lure: personality traits and emotional traits, behavioral patterns, and dysfunctional family dynamics. In many cases, this grooming is successful in convincing the victim that the offender is in fact in love with them and deeply cares about them." (p. 238)

Government response

In 1984 a committee chaired by Robin Badgley issued a report entitled "Sexual Offences against Children" to the Ministers of Justice and National Health and Welfare. This report offered a vast array of recommendations directed at federal and provincial governments of Canada. A number of recommendations were directed towards the Department of Justice regarding amendments to the Criminal Code, providing services to child victims as they become involved with the criminal justice system; and enforcement and treatment services for offenders. Recommendations to Health Canada focused on large scale education campaigns for child sexual abuse prevention, research into Sexually Transmitted Diseases and their impact on victims of child sexual abuse; development of minimum standards of care, assessment and investigation; systematic collection of statistics regarding incidence and prevalence of child sexual abuse. Additionally, a number of recommendations were directed toward Child Protection Systems.

In 1990, Rix Rogers, Special Advisor to the Minister of National Health and Welfare on the issue of Child Sexual abuse submitted a report to the Minister of Health and Welfare Canada entitled Reaching for Solutions. This report reviewed the recommendations made by Badgley and provided updates on the federal government's response to the recommendations. Rogers offered further recommendations based on the work accomplished to date and information gathered during his time as Special Advisor. Seventy-four recommendations were made around the following themes:

- Systems in search of harmony and effectiveness
- Public awareness and primary prevention
- Child sexual abuse and the justice system
- Challenges of healing and treatment
- Information needed: education, training and research
- Aboriginal communities
- Emerging concerns: special groups (child abuse in institutional settings, very young children, disabled and disturbed children and new Canadians.

Further to these themes, Rogers recommended that the federal government should issue a statement indicating what action it intended to take in response to the report's recommendations; and that the federal government publish an annual report that describes its progress in combating child abuse.

The Federal government issued its report "Federal response to Reaching for Solutions" in 1991. In response to the Badgley and Rogers reports the federal government undertook a number of initiatives including the Child Sexual abuse initiative announced in 1986; the appointment of a Special Advisor to the Minister of National Health and Welfare in 1987; the enactment of Bill C-15 in 1988 and the Family Violence Initiatives announced in 1988 and 1991. The report addressed progress made on the recommendations made specifically in the Rogers report.

Since that time a number of amendments have been made to Bill C-15 through amendments to the Canada Evidence Act and Bill C-2: An Act to amend the Criminal Code (protection of children and other vulnerable persons). The 2006 amendments made the use of testimonial aids mandatory upon application in any criminal proceeding for persons under 18 years of age unless they would interfere with the proper administration of justice. Testimonial aids include closed-circuit television (CCTV), witness screens, a support person who may be present during the delivering of testimony, and the appointment of a lawyer to conduct the cross-examination of a witness when the accused is self-represented. Other Criminal Code provisions which assist vulnerable witnesses allow the judge to exclude the public from the courtroom, impose a ban on publication of identifying information, and allow the use of video recorded evidence. Canada Evidence Act amendments create a presumption that children under the age of 14 have the capacity to testify (Northcott, 2009).

In 2002, the Canadian *Criminal Code* was amended to include new offences that would help combat the luring of individuals under the age of 18, by making it "illegal to communicate with children over the Internet for the purpose of committing a sexual offence" Accordingly, police services across Canada began collecting and reporting child luring incidents that come to their attention under this new legislative amendment. Since that amendment the number of incidents reported to police has increased with reports increasing 1.5 times in 2005 and increasing by another 31% in 2007 (Loughlin & Taylor-Butts, 2009). Although the number of incidents reported has increased, the clearance rate by charge or otherwise has remained relatively stable at 4 or 5 in 10 incidents.

The National Strategy to Protect Children from Sexual Exploitation on the Internet was established in 2004 to help expand resources to combat online child sexual exploitation. The majority of the federal funding attached to the national strategy was allocated to the expansion and further development of the Royal Canadian Mounted Police's (RCMP's) National Child Exploitation Coordination Centre to enhance law enforcement response to Internet-facilitated child sexual exploitation. In 2005, Canada's national tip-line, Cybertip.ca, was officially launched. A partner in the National Strategy, Cybertip is committed to the online protection of children, as well as educating the public and increasing awareness regarding child sexual exploitation via the Internet. The federal government announced a committed renewal to the National Strategy in February 2009, committing more than 40 million dollars for the next five year period (Public Safety Canada).

Manitoba was the first province to proclaim mandatory reporting of child pornography on April 15, 2009. The Child and Family Services Act was amended to include child pornography in the definition of child abuse and the legislation obligates all people in Manitoba to report suspected child pornography to Cybertip.ca for assessment. All reports relating to a child victim and/or suspect in Manitoba are forwarded to child welfare. The goal of mandatory reporting is to facilitate the reporting of children potentially in need of protection (Canadian Centre for Child Protection, 2010).

The results from the first year suggest that mandatory reporting of child pornography in Manitoba has been impactful. In 2009/10, there was a 126% increase in the number of reports submitted by individuals within Manitoba in comparison with the year prior. While the majority

of these reports (75%) were submitted anonymously, 87% of the reporting persons provided identifying information when child victim and/or suspect information was reported. The majority of reports (88%) pertained to websites and 44% of the submitted reports were forwarded to law enforcement. Of the reports forwarded to law enforcement, the majority (90%) were forwarded to law enforcement outside of Manitoba (Canadian Centre for Child Protection, 2010).

The federal government announced the introduction of the "Protecting Children from Sexual Predators Act in November 2010. The proposed legislation would establish mandatory prison sentences for seven existing Criminal Code offences such as child luring, sexual assault and aggravated assault. The legislation would also increase mandatory prison sentences for seven sexual offenses involving child victims relating to possessing and accessing child pornography and sexual exploitation. The bill will create two new offenses with mandatory prison sentences for crimes where someone seeks to provide sexually explicit material to a child for the purpose of facilitating a sexual offense against a child; or using telecommunication to communicate with another person to agree or make arrangements to commit a sexual offense against a child. The proposed reforms build upon other criminal law amendments already introduced by the government including Bill C-22 (Protecting Children from Online Sexual Exploitation Act) and Bill S-2 (Protecting Victims from Sex Offenders Act) which are currently before parliament (Department of Justice Canada).

The Federal Ombudsman for Victims of Crime in its backgrounder entitled "Every image, every child" made a number of recommendations to the federal government regarding internet – facilitated child sexual abuse. Recommendations include:

a) Amending the child pornography provisions in the Criminal Code to provide a more accurate description of the crime and harm done (ie child sexual abuse images, child sexual abuse videos, child sexual abuse writings).
b) Requiring ISP providers to provide customer name and address information to law enforcement
c) Introducing legislation to require ISPs to retain customer name and address data, traffic data and content data for two to five years;
d) Introduce legislation to amend the Criminal Code to make the refusal to provide a password or encryption code upon judicial order a criminal offence;
e) Develop a national strategy to identify victims found in child sexual abuse images, which includes an expansion of the RCMP's National Child Exploitation Coordination Centre's National Victim Identification unit and support for the national image database.
f) Develop a national strategy to expand the network of Child Advocacy Centre models in communities across the country
g) Fund research into the needs of victims of internet –facilitated child sexual abuse
h) Introduce legislation to amend the Criminal Code to ensure that child sexual abuse images, videos or recordings are not disclosed to defence counsel but that opportunities are made available for proper review of the evidence;
i) Introduce legislation to require all ISPs to block access to sites containing images of children who are depicted as being under the age of 18 years, and block the distribution of known child sexual abuse images based on images collected by the National Child Exploitation Coordination Centre.

The government of Canada has been proactive in its approach to addressing the safety of children through enhanced laws and policies. A number of strategies have been put in place to improve detection and investigation of child sexual abuse claims.

Prevention

Prevention strategies are generally developed in response to a particular problem. It is often difficult to develop a comprehensive and effective prevention strategy until an understanding of the causes and consequences are understood. The World Health Organization describes prevention strategies regarding child abuse prevention in most countries as an emphasis on intervening once child maltreatment has occurred. Child protection systems have developed at the expense of efforts to prevent maltreatment occurring in the first place. Child protection and law enforcement agencies may have limited professional capacity and lack the mandate to influence policy on prevention or to address the many risk and protective factors. As a result, the prevention of child maltreatment tends to be addressed as if it were synonymous with child protection and victim services (World Health Organization, 2006). As a result most prevention efforts tend to be focused on tertiary and secondary forms of prevention such as criminal justice measures and offender management.

The Institute of Medicine categorization of prevention into universal, selective and indicated populations has been widely adopted in the prevention field. The model was first presented in the mid 1980's and has continued to evolve from an initial focus on health consequences to a concept of prevention initiatives falling along any point in a continuum of care. This model assumes that opportunity for prevention exists at any point along the continuum either before, during or after onset of a condition or an event. The model has three categories that are widely used to classify target populations, intervention strategies, and specific interventions. Primary (Universal) prevention focuses on strategies for the general public and seeks to deter problems from occurring. Secondary (Selected) prevention focuses on strategies that target those at risk of abuse, or those who are at risk of abusing; and Tertiary (Indicated) prevention encompasses treatment for individuals and families who have already encountered abuse as well as treatment for those who have offended.

A primary prevention approach prevents abuse before it happens by addressing the environmental factors and societal norms that contribute to its occurrence in the first place. A primary prevention approach to child sexual abuse and exploitation promotes safe, healthy environments and behaviors, reducing the likelihood of abuse in the first place (Lyles, Cohen & Brown 2009). The Red Cross Walking the Prevention Circle aboriginal abuse prevention program is an example of a holistic primary prevention program that develops community capacity. Studies of child molesters have found that there is no one particular risk factor that determines whether someone will sexually abuse a child (Hanson 2008). Family and parenting programs that address general delinquency may be helpful in also reducing sexual abuse perpetration.

The Prevention Institute in the United States has developed a framework for developing effective and sustainable primary prevention initiatives that have the potential to affect community and systems-level change. The Spectrum of Prevention contains six key components including: influencing policy and legislation; changing organizational practices; fostering

coalitions and networks; educating providers; promoting community education; strengthening individual knowledge and skills. A comprehensive and effective prevention program must focus on the entire community and not solely on the children and the predators (Lyles, Cohen & Brown, 2009). Quality prevention strategies counter environmental factors that support child sexual abuse and exploitation.

Secondary or selected prevention initiatives are aimed at reducing the prevalence or the total number of new and old cases of abuse. Secondary prevention includes efforts that are targeted to select populations that are identified as having specific risk factors. Initiatives may target services for at risk communities, neighbourhoods or age groups in the general population that are known to be at risk for child maltreatment.

Tertiary or indicated prevention strategies are designed to respond at the earliest time possible when victims and perpetrators of sexual abuse are identified. This approach recognizes that it is too late to stop the event (sexual abuse) but it is critical to respond to reduce further harm and re-victimization to the victim and ensure that the abuser doesn't continue the behavior with this victim or future victims. Tertiary initiatives aim to address the trauma and consequences of child maltreatment and to prevent recurrence. Tertiary prevention strategies include child sexual abuse treatment programs that are available in many communities. These programs include treatment for child victims to reduce trauma and protect against further victimization. The Circles of Support and Accountability program for sexual abuse offenders is an example of a tertiary prevention program.

Primary Prevention Programs

There are a number of successful primary prevention initiatives in Canada focusing on a variety of issues. The Neighbours Friends and Families campaign developed by the Centre for Research & Education on Violence Against Women and Children with support from the Ontario Women's Directorate is an example of a primary prevention program targeted at preventing woman abuse. The goal of the public awareness campaign is to raise awareness of the signs of woman abuse so that those close to an at-risk woman or an abusive man can help (www.neighboursfriendsandfamilies.ca). The three primary education components are: identifying and helping a woman at risk of abuse; talking to men who are abusive; and safety planning for women who are abused. These messages are conveyed through training workshops, brochures, media messages, website, etc.

MADD Canada has been effective at raising awareness regarding drinking and driving. Successful aspects of the MADD Canada campaign include the red ribbon campaign, partnership with local police agencies, media campaigns, education programs, etc. (www.madd.ca). MADD offers a comprehensive program of services as well as a prevention and education campaign. The strategy has been effective at putting a face on the victims of drunk driving casualties; offers victim support services, supports research on the topic, and offers many media strategies to keep the issue prominent in people's minds.

The Canadian Centre for Child Protection has developed a number of primary prevention initiatives regarding child sexual abuse. Each year the Centre runs an awareness education campaign. The 2010 campaign *"I reported it"* was designed to raise awareness about the

important role individuals play in the reduction of online child sexual exploitation by reporting incidents to Cybertip.ca. *The Door That's Not Locked* is a comprehensive, easy-to-use website that raises awareness about what kids are doing online, the risks associated, as well as tips and safety strategies to keep them safe. The website was developed based on the information needs of parents.

Examples of primary prevention in the United States include initiatives developed in partnerships with community professionals. Stop It Now! uses a combination of research-based public education materials and social marketing campaigns in its efforts to change the social climate and foster the prevention of child sexual abuse. The program aims to use strategies that are similar to other public health prevention campaigns and to re-message the nature of a social problem to be understood as epidemic proportions. Other similar public health strategies such as "friends don't let friends drive drunk" campaigns have created significant changes in societal attitudes and behaviours.

School-Based education programs

Several examples of school based education programs exist that are aimed at teaching children about healthy relationships including sexual abuse prevention. Programs may be school-board based and provided at certain grade levels. Sexual abuse education may also be mandated through the curriculum. A national initiative developed by the Canadian Red Cross is delivered in schools. The C.A.R.E. program is for children ag[redacted]s old and focuses on body ownership and personal safety rules. The Red Cross reports that in 2006-07, about 43,000 Canadian children learned—through games, activities, puppetry and age-appropriate, non-threatening lessons—that abuse is never their fault and that they have a right to say no.

Studies have revealed that strengths in the school-based prevention programs are found in their ability to increase children's knowledge and awareness of the potential for abuse (Finkelhor, 1991). While these programs found improvements in knowledge and protective behaviours among children who had received school-based programs, these results should be interpreted with caution (Zwi et al., 2007, pg. 4) The main criticism of these programs focus on the (1) concepts and skills being too complex for children to learn (Melton, 1992), (2) the lack of empirical evidence indicating they prevent abuse (Wurtele, 2009; Zwi et al., 2007), (3) curriculum and programs fail to focus on the abuse by strangers, peers, female as well as male offenders (Barron & Topping, 2010) and (4) potentially harmful side effects of these programs. While there is little evidence that self-safety strategies taught in programs reduce the likelihood of victimization there is evidence that children exposed to programs disclose abuse earlier. It is difficult to know if the changes in children's knowledge and protective behaviours seen in the studies result in prevention of child sexual abuse. As such, school-based programs should, when put into their proper context be an element in an approach to prevention.

Bystander approaches

Bystander approaches call on all members of the community to participate in solutions to problems. A classic example of a successful bystander approach, in terms of changing norms and raising public awareness, is Mothers Against Drunk Driving. This type of initiative calls on any bystander – a teacher, an employer, a friend, a neighbor, a concerned citizen, a pastor, a doctor –

to be part of creating strong disincentives for unacceptable behaviors. In terms of preventing CSA, the bystander approach has been implemented in the United States with the Stop It Now program. This program relies on the public health model to create prevention and intervention programming using a combination of research-based public education materials and social marketing campaigns to change the social climate and foster the prevention of child sexual abuse.

Indigenous approaches

Healing and Sentencing Circles emerged from the Canadian First Nations people and provided a whole community approach to infractions of acceptable behaviour. Offenders are judged and punished in their communities in ways that satisfy the expectations of retribution at the same time as enabling restoration of relationships. The practice of restorative justice which now has following in many non-Indigenous settings around the world owes the First Nations for the principles on which the practice rests.

Attention to this matter is becoming more widespread, but possibly the most detailed discussion and evaluation of Indigenous healing practices with child sexual abuse has occurred in Canada in the Hollow Water program (Aboriginal Peoples Correction Unit 1997:11). This program operates on principles which are now well practiced in the restorative justice system with the added principle of non-dispensability. This refers to the need to include all people, no matter what they have done, in the healing process. As already noted this program also uses non-Indigenous practices, which have been included within the local Indigenous worldview.

Walking the Prevention Circle

Walking the Prevention Circle is a prevention program that was developed with funding from the Family Violence Initiative. Although it is not specific to child sexual abuse, it uses principles from the Red Cross and First Nations teachings to address violence in aboriginal communities. This program is about giving language and facilitating change to reverse the lasting effects abuse has had on Aboriginal lives. This program assists communities in developing a baseline of information on all types of abuse and neglect empowering them to formulate healthy community strategies (Shelley Cardinal).

The goal of the National Strategy to Prevent Abuse in Inuit Communities is the steady reduction in incidents of violence and abuse in Inuit communities, and the eventual predominance of caring and respectful relationships. This strategy is based on the following objectives:

- develop sustained relationships among partner organizations that are committed to a steady reduction of violence and abuse in Inuit communities;
- coordinate efforts so that resources can be used to the best advantage;
- implement effective, culturally appropriate services and programs to prevent abuse and promote healing (Pauktuutit Inuit Women of Canada, 2006).

The strategy includes a guide "Sharing Knowledge, Sharing Wisdom" that provides information and ideas on how to promote and implement the strategy in Inuit communities. Similar to the Walking the Prevention Circle program, this prevention strategy seeks to seeks to build capacity, reduce tolerance and raise awareness using culturally appropriate methods.

Secondary Prevention Programs

Many organizations in Canada have undertaken prevention efforts aimed at reducing the risk of their employees harming children entrusted in their care by requiring police record checks as an element of the employment screening process. It can be argued that past criminal activities and charges related to harm of children are a strong indicator of future risk of harm. Organizations such as Boards of Education, day care providers, children's services and adult services now routinely require police record checks of potential employees. This practice has also been embraced by Children's Aid Societies as part of the foster parent or adoptive parent application. This is now a practice that is well entrenched in human resource practices to the degree that it would be unusual for an organization to not require such disclosures of past criminal activities.

"Commit to Kids" is a program to help organizations create safe environments for children. It provides policies, strategies, and a step-by-step plan for reducing the risk of child sexual abuse, encouraging organizations to take an active, participatory role in protecting children in their care (www.commit2kids.ca). Many prevention programs focus on education for children, but fail to address the specific risks that child-serving organizations face. Adults are responsible for protecting the children in their care. Commit to Kids teaches organizations how to define appropriate boundaries between adults and children and create safe, respectful environments. The program includes a DVD with sample policies, plans, and reproducible forms that can easily be amended and used by organizations.

Tertiary Prevention Programs

A number of legislative changes have been initiated in response to occurrence of child sexual abuse. Since the 1984 Badgley report there have been several legislative changes aimed at addressing the inadequacies identified by the Committee on Sexual Offences Against Children and Youth, most notably, Bill C-15. This legislative reform brought several changes to the Canadian Criminal Code and the Evidence Act to reflect the special needs of children both in sexual offences and in allowable conditions to facilitate a child witness's testimony in criminal court.

Bill C-15A, introduced in 2002, created new offences and enforcement measures to deal with the sexual exploitation of children, particularly in relation to child pornography and the Internet as well as luring of children over the Internet. Bill C-2, introduced in 2004, proposed further amendments to the Criminal Code and the Canada Evidence Act that were intended to protect children and others who are vulnerable from sexual exploitation by expanding the scope of some of the existing offences and allowing children greater access to testimonial aids. There have been further changes to the Criminal Code in 2008 with changes to the age of consent provisions. Reports from the Department of Justice indicate that as a result of the legislative changes, there are more cases before the court and more convictions (Department of Justice website).

The National Child Exploitation Coordination Centre (NCECC) was established in 2003 as the law enforcement component of Canada's National Strategy to Protect Children from Sexual

Exploitation on the Internet. The Centre was created in response to the recognition that the Internet was being more frequently used to facilitate sexual exploitation crimes against children including the exchange of child sexual abuse images and child luring. The mandate of the NCECC is to reduce the vulnerability of children to Internet-facilitated sexual exploitation by identifying victimized children; investigating and assisting in the prosecution of sexual offenders; and, strengthening the capacity of municipal, territorial, provincial, federal, and International police agencies through training and investigative support.

Canada's National Sex Offender Registry (NSOR) was established in 2004, following the passing of the Sex Offender Information Registration Act (SOIR Act). Unlike other registry programs, such as those in the United States, the public does not have access to the registry. The value of offender registration as an effective means of preventing CSA has yet to be established within Canada.

Victim and offender treatment programs

Treatment programs for victims are typically community based and provided by children's mental health organizations or child protection. Examples of treatment/advocacy agencies include the Central Agencies Sexual Abuse Treatment (CASAT) in Toronto and Edmonton's Zebra Child Protection Centre. CASAT offers coordinated support referral to treatment services for children and their families.

Edmonton's Zebra Child Protection Centre is the first of its kind in Canada. Through a multi-disciplinary community of professional including police, Crown Attorneys, Child Protective Services, trauma screening professionals and volunteer advocates the centre conducts streamlined thorough expert investigations, interventions, prosecutions and support for victims of child abuse. In conjunction with community partners the Zebra Centre provides children and their non-offending parents and guardians with essential medical, social and mental health services and supports. The Federal Ombudsman has recommended that funding be made available to establish Child Advocacy Centres like the Zebra Centre across Canada.

The Circles of Support and Accountability (COSA) initiative was originally conceived as a means to help high risk sexual offenders who were released at the end of their sentence. Using the philosophy of restorative justice, a program was developed in Ontario that attempts to return sex offenders to the community in a productive, supportive fashion while still holding the ex-offender accountable. COSA projects generally set their sights on men released after having completed their entire sentence, and who have been judged to be at high risk to reoffend. Specifically, COSA target individuals who seem most likely to fail, due to a lack of prosocial support in the community. COSA have also supported those offenders who are likely to attract significant media attention. Each Circle is comprised of a Core Member (sex offender) and four to six community volunteers who provide support to the offender for reintegration into the community and; support and monitoring to prevent recidivism.

The COSA program has been replicated extensively in the United Kingdom, United States and in several provinces across Canada. Results of an evaluation of the COSA model found that offenders who participated in COSA had an 83% reduction in sexual recidivism in contrast to a matched comparison group; and an overall reduction of 72% in all types of recidivism (including

physical and sexual violence) (Wilson, Cortoni & Vermani, 2007). The program has been found to have a profound impact on all stakeholders including offender, community volunteers, affiliated professionals and the community at large. Survey results indicate that the community at large showed substantial increases in perceived community safety in knowing that high-risk sexual offenders in the community were involved in the project (Wilson, Prinzo & Picheca, 2007). The COSA program has been well adapted internationally but to a lesser extent in Canada.

Elements of a comprehensive child sexual abuse prevention strategy

Developing a comprehensive strategy for child sexual abuse prevention begins with an understanding of the context and scope of the problem and applies this knowledge. Evidence-based knowledge concerning the prevention of child maltreatment and specifically child sexual abuse, has grown, producing greater understanding of the complex interdependent nature of the characteristics of victims, individuals who offend against children, as well as the factors that contribute to risks of harm at the individual, family, school and community levels.

A number of child abuse prevention strategies have been proposed and developed. An ecological approach to prevention promotes strategies with a variety of activities directed at four levels: individual, relationship, community and society (Belsky 1980; Dahlberg & Krug; 2002). Individual influences are the characteristics and risk factors that increase the likelihood of an individual becoming a victim or a perpetrator of maltreatment such as, age, levels of education, addictions and previous victimization experiences. Relationship influences include factors within relationships that increase the likelihood of maltreatment such as the nature of the relationship between the parent and the child; martial relationship or relationship between the parents, and nature of relationships with extended family and social supports. Community level influences include the availability of resources to a family such as medical services, mental health services, and social services. Crime and public safety initiatives in a community may influence child maltreatment. Societal influences include the underlying conditions of society that influence family functioning and parenting practices such as culture, economy, and levels of poverty, education and policies that direct the delivery of social programs.

The World Health Organization prevention strategy is based on stages of child development. A significant portion of the strategy which has been implemented in Canada is directed towards changing and managing the societal and community level influences including legal reform and provision of enhanced health care. Relational strategies focus on parenting programs and home visitation. Individual initiatives focus on child education and awareness programs.

Similar to the WHO strategy, Wurtele (2009) suggests a comprehensive CSA prevention strategy based on an ecological model identifying four populations that need to be targeted by comprehensive *primary prevention* programs: 1) children/youth, 2) parents, 3) professionals, and 4) the public. In the ecological model children and youth-focused prevention programs are based on evidence or best practices and descriptions of such models are disseminated to communities nationwide. Already existing prevention programs are expanded to focus on teaching adolescents and pre-teen about the negative consequences of sexual experimentation or exploitation of younger children and promote healthy sexuality across the lifespan. The prevention program emphasizes respect for others and focuses on healthy relationships. Parent-

focused prevention programs increase parents' awareness of the risk factors of sexual abuse and teach safety concepts and talking to children skills, encouraging parents to utilize "teachable moments" during a child's lifetime to educate their children on healthy relationships. Programs at this level would also include public service announcements targeting parents to recognize warning signs. Professional-focused prevention programs would target teachers and child care providers, health care professionals and clinicians. Wurtele recommends that professional-focused programming occur at the organizational level including safe child policies and innovative education strategies such as web-based education for professionals. Wurtele's model promotes developing stronger relationships with government in order to support any future legislative action, offering funding support, and keeping the focus on national prevention efforts.

Finkelhor proposes a model that engages multiple professionals within a community with the purpose of addressing risks at the individual, family and community levels (Finkelhor 2009). The plan focuses on strengthening children through comprehensive school programs that promote early disclosure (Kogan, 2004; Smith et al., 2000). The model includes efforts to strengthen management and treatment of individuals who offend against children and suggests that law enforcement resources be directed toward finding more undetected offenders and offender management efforts be concentrated on those at highest risk to re-offend. Initiatives that reduces the stigma of disclosing and reduces the negative impact of post-disclosure events such as investigations, justice processes, and the publicity that often ensues is integral to this strategy.

Recommendations for a comprehensive child sexual abuse prevention strategy

A common theme presented through the prevention models is the need to develop a prevention strategy that is both comprehensive and multidimensional in its scope. A prevention model needs to not only focus on individuals at risk but also address the larger societal issues that perpetuate CSA. Prevention strategies need to be based on an understanding of the risk factors, characteristics of victims and individuals who offend against children in all areas of sexual abuse and the social and cultural context of communities. A comprehensive prevention strategy also must shift public opinion and attitudes to allow for improved openness to disclosures and increased sensitivity to victims and the factors that put children at risk from individuals who offend against children. Finally a model must also put into place the tools that are necessary to identify, investigate, prosecute sexual abuse cases and successfully treat adults and adolescents who offend against children. A prevention model will require a significant shift in culture and attitudes.

Education strategies

Comprehensive education programs for children should include all types of sexual abuse and sex crimes against children, including sexual assault in dating relationships, statutory sex crimes between youth and adults, and newer and conventional kinds of sex offences that are being facilitated by the Internet. An education strategy may focus on messages that reinforce the awareness that child sexual abuse is wrong and harmful and urge potential offenders to seek help without the risk of prosecution.

Education does not need to be limited to potential victims. Similar to the Neighbours, Friends, and Families model of family violence prevention in Ontario, education campaigns should be developed that encourage adults close to a child and observers to take action rather than depending solely on the skills and competence of the child. The model also promotes strategies that change societal beliefs and attitudes toward child sexual abuse and reduce victim blaming.

Online exploitation prevention strategies and education programs

The prevention literature surrounding online exploitation has not yet taken shape. There are no empirically based studies of intervention approaches with victims, let alone prevention strategies. At best, the clinical and practice strategies mimic those of the school-based prevention programs which aim to inform children, youth, and their parents about risks associated with virtual relationships and online social networking frequently employed by sexual offenders. Given the paucity of information related to prevention in this area, it would seem incumbent to this project to include strategies which would consider this growing threat to children and adolescents.

Summary

Canada is well-positioned to develop a comprehensive national strategy for child sexual abuse prevention. Many programs, policies, legislations have been developed that contribute to the prevention of child sexual abuse. Canada will benefit from a more coordinated and comprehensive approach in its efforts to enhance prevention strategies.

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Appendix A:

Child Sexual Abuse Think Tank Participants
November 11, and 12, 2010

Windermere Manor, London, ON

Member Name	Contact information	Additional Biography	E-mail
Dr. David Finkelhor	Director, Crimes against Children Research Center Professor of Sociology, University of New Hampshire Co-Director, Family Research Laboratory 126 Horton Social Science Center, Durham, NH 03824	Dr. Finkelhor has been studying the problems of child victimization, child maltreatment and family violence since 1977. He has also written about child homicide, missing and abducted children, children exposed to domestic and peer violence and other forms of family violence.	david.finkelhor@unh.edu
Dr. Peter Jaffe	Academic Director, Centre for Research & Education on Violence Against Women and Children, Faculty of Education, University of Western Ontario	Dr. Jaffe's clinical work and research involves children and adolescents involved with police or the courts, either as offenders or victims of family violence or custody disputes as well as individuals traumatized by violence in childhood or adult relationships.	pjaffe@uwo.ca
Barb MacQuarrie	Community Director of the Centre for Research and Education on Violence Against Women and Children at the University of Western Ontario	Ms. MacQuarrie's work in the women's anti-violence movement has been broad ranging. She has developed specific interests in gendered workplace harassment and violence in the lives of girls.	bmacquar@uwo.ca
Dr. David Wolfe	RBC Chair in Children's Mental Health Centre for Addiction and Mental Health CAMH Centre for Prevention Science, 100-100 Collip Circle, London, ON, Canada, N6G 4X8 Phone: 519-858-5144	Dr. David Wolfe heads the CAMH Centre for Prevention Science located in London and Professor of Psychiatry and Psychology at the University of Toronto. He has served as Editor-in-Chief of *Child Abuse & Neglect* since 2007. He specializes in issues affecting children and youth and his interests in violence prevention have culminated in a comprehensive school-based initiative, the *Fourth R*.	dawolfe@uwo.ca
Dr. David Warren	Paediatric Emergency/Child Protection, University of Western Ontario, Department of Paediatrics Children's Hospital London Health Sciences Ctr. 800 Commissioners Road East, London, Ontario, Canada N6A 5W9 Tel: (519) 685-8129 Fax: (519) 685-815	Dr. Warren is currently at the career rank of Associate Professor. He is a consultant in Paediatric Emergency medicine at CHWO. He is also a consultant and Medical Director for the Child Abuse Team. Along with these commitments Dr. Warren has been the Paediatric Trauma Director since 1997 and a strong advocate for Paediatric Trauma at CHWO	david.warren@lhsc.on.ca
Pearl Rimer	Manager of Research & Training at Boost Child Abuse Prevention & Intervention.	Pearl Rimer, Dip.C.S., M.E.S., designs and conducts award-winning training and prevention programs for community service providers, children and youth.	rimer@boostforkids.org

Member Name	Contact information	Additional Biography	E-mail
		Pearl designed and implemented the first child abuse course to be offered in an Early Childhood Education Program in Ontario, and co-authored the first Canadian textbook on child abuse.	
Amanda Topham	Ph'D candidate Kings University College 266 Epworth Ave London Phone: Home 519-660-4013	Ms. Topham is completing a doctoral dissertation that explores enduring emotional and sexual safety for children abused by their fathers, lectures at Kings University College's School of Social Work and provides therapy to victimized children in her private practice	amandatopham@gmail.com
Shelley Cardinal	National Aboriginal Consultant RespectED: Violence and Abuse Prevention Canadian Red Cross Tel: (250) 995-3508	Shelley Cardinal, Cree First Nations, is the Aboriginal Consultant to the Canadian Red Cross program, *RespectED: Violence and Abuse Prevention.* Shelley has worked directly with over 100 Aboriginal communities helping integrate abuse prevention education.	Shelley.Cardinal@redcross.ca
Norine Nathanson	Crown Counsel CRIMINAL LAW POLICY BRANCH McMurtry-Scott Bldg, 9th Flr 720 Bay St, Toronto ON M7A2S9	Crown Council, Policy Branch, Ministry of Attorney General, Ontario	Norine.Nathanson@ontario.ca
Michelle McIntyre	Children's Aid Society of London and Middlesex 1680 Oxford St. E London ON 519-951-8655	Michelle is a manager at the London and Middlesex Children's Aid Society and manages a treatment intervention service for victims of child sexual abuse, adult and adolescent offenders within the child protection system.	MMcintyre@caslondon.on.ca
Lynda Stevens	Centre for Children & Families in the Justice System 200 – 254 Pall Mall St. London ON N6A 5P6 519-679-7250	Ms Stevens provides court preparation interventions to children who are witnesses in criminal court	lynda.stevens@lfcc.on.ca
Frank Goldschmidt	Detective Staff Sergeant Provincial Coordinator / Senior Investigator Ontario Provincial Police 705 330 3245	Ontario Provincial Police Coordinator and senior investigator of the multidisciplinary Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet	Frank.goldschmidt@ontario.ca
Rick Goodwin	Executive Director The Men's Project/Le Projet pour hommes 180 Argyle Avenue, Suite 321 Ottawa, ON, Canada K2P 1B7 p: 613.230.6179 ext. 400	Rick Goodwin, MSW RSW is both the co-founder and Executive Director of The Men's Project: Ontario's only male-centred treatment centre for male survivors of abuse.	rgoodwin@themensproject.ca
John Swales		John is a survivor of child sexual abuse by a priest and an advocate for male and female survivors.	swales@tcc.on.ca

Member Name	Contact information	Additional Biography	E-mail
Bernie Gallagher	Dr. Beatrice Gallagher Director Training OACAS 75 Front St Toronto	Dr. Gallagher is the Director of Training for children's aid societies in Ontario	bgallagher@oacas.org
D/Sgt. Paula Rossewy	OPP West Region Abuse Issues Coordinator 6355 Westminster Drive London, ON N6P 1N5 Phone (519) 652-4128	Det Sgt Rossewy is the abuse specialist for SW Ontario Provincial Police and conducts interviews with children who have been abused, witnessed family violence or are witnesses to a crime	paula.rossewy@ontario.ca
Lisa Hitch	Family, Children and Youth Directorate | Direction de la famille, des enfants et des adolescents Department of Justice Canada | Ministère de la Justice Canada 284 Wellington Street, Room CS-949 Ottawa, Ontario K1A 0H8 Tel: (613) 941-2335	Department of Justice Canada	chbouvie@justice.gc.ca (contact through Chantal Bouvier, Administrative Assistant)
Myra Stephen	Education Officer Curriculum and Assessment Policy Branch, Ministry of Education 16th Floor, Mowat Block 900 Bay St. Toronto ON M7A 1L2 Phone: 416-212-5871	Through her responsibilities to create and develop curriculum in Ontario, Myra's vision focuses upon the best possible way to foster student learning.	Myra.Stephen@ontario.ca
Sly Castaldi	Executive Director Guelph-Wellington Women in Crisis, P.O. Box 1451, Guelph, ON	Woman abuse and the impact of violence against women	sly@gwwomenincrisis.org
Maureen Reid	Program Manager Children's Aid Society of London and Middlesex 1680 Oxford St London Tel: 519-455-9000	Ms. Reid is a senior manager at the child welfare agency in London Ontario with special interest in the identification, treatment and prevention of child sexual abuse and the impact of exposure to woman abuse.	mreid@caslondon.on.ca
Rhonda Hallberg	R Hallberg Consulting 226-268-2952	Ms. Hallberg was employed in child welfare as a senior manager and now provides consultation to children's organizations, research support for PART and teaches at UWO	rhonda_hallberg@rogers.com
Anna-Lee Straatman	Centre for Research & Education on Violence Against Women and Children	Ms. Straatman is a community research associate with the centre and has conducted more than 150 interviews with adult survivors of child sexual abuse.	astraat2@uwo.ca

Sexual Abuse and Prevention Task Force Members Meet

Written by News Release
Thursday, 01 March 2012 15:56

Guam News - Guam News

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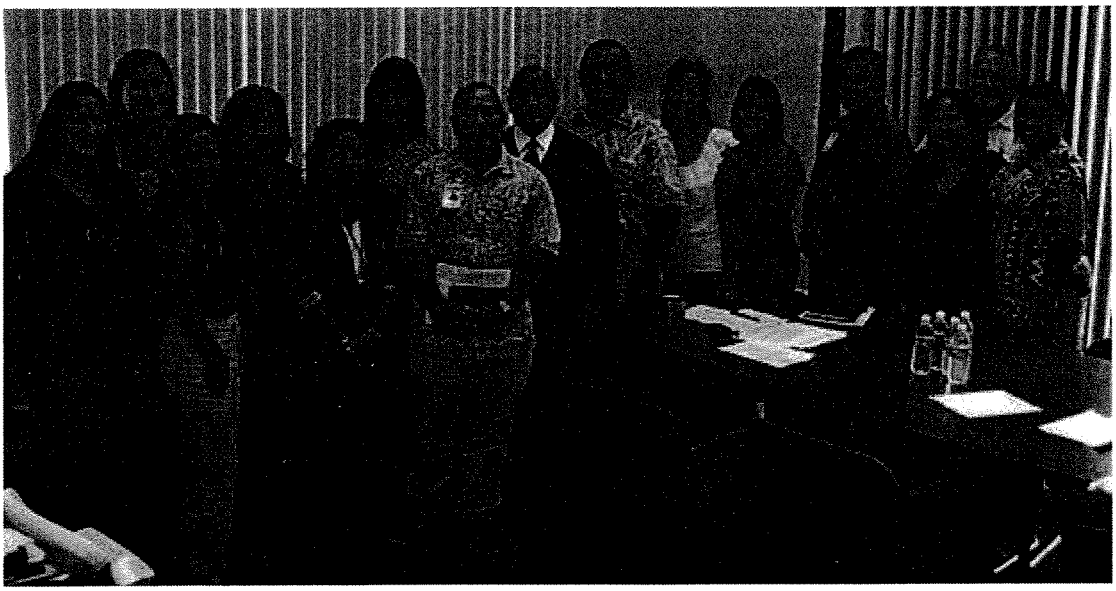
Guam - Task force members of "The LaniKate Protehi Y Famagu'on-ta Act" met today for the second time at the Office of the Attorney General to further discuss ways to prevent and reduce child sexual abuse on Guam.

The duties of the task force, created under the mandates of P.L. 31-97, include gathering statistical data concerning child sexual abuse, creating goals for local policy on child abuse prevention, and improving the services offered by government agencies, private organizations and community-based groups to victimized children.

The first meeting of the task force involved its members selecting Attorney General Leonardo Rapadas as the task force presiding officer and a review and orientation of the "Lanikate Protehi Y Famagu'on-ta Act."



Attorney General Rapadas said in today's meeting, "Together, with the broad scope of work we all do concerning our youth, a solid and viable solution will take shape for us to execute the mission of this task force."

Agencies and non-profit organizations who are a part of the task force intend to adopt recommendations that seek to expand services and programs through educational means. Policies addressing sexual abuse of children may include age appropriate curriculum for students, training for school personnel, and counseling and other resources for affected children.

A preliminary report with the task force recommendations on policies addressing sexual abuse of children is expected to be submitted to I Maga'låhen Guahan and I Liheslaturan Guahan by April 1, 2012.

Members present at the meeting today include representatives from the Association of Individual, Marriage and Family Therapists, Department of Education, Department of Public Health and Social Services, Department of Youth Affairs, Guam Coalition Against Sexual Assault and Family Violence, Guam Police Department, Healing Hearts, the Judiciary of Guam, the legislature, the Office of the Attorney General, and Victims Advocates Reaching Out (VARO).

The task force also consists of representatives from Catholic Social Services, the Department of Mental Health and Substance Abuse, Guam Youth Congress, Sanctuary and the University of Guam.

The next meeting is set for March 15, 2012.

< Prev **Next >**

March 01, 2012
FOR IMMEDIATE RELEASE
Contact: 475-3324 ext. 712

Sexual Abuse and Prevention Task Force Members Gather

Hagatna, Guam-Task force members of "The LaniKate Protehi Y Famagu'on-ta Act" met today for the second time at the Office of the Attorney General to further discuss ways to prevent and reduce child sexual abuse on Guam.

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###

The Child Abuse and Neglect Reporting Act of Guam aims to protect children from abuse. The Act specifically states that steps necessary to prevent psychological harm to a child victim must be taken while investigating child abuse cases. [i]

Guam law requires any person who comes into contact with children in their professional or occupational capacity to report instances of suspected child abuse or neglect.[ii] Persons required to report are: health care professionals such as licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, mental health professional, or any other hospital employee engaged in the admission, examination, care or treatment of people; school employees such as administrator, teacher, nurses, or counselor; christian science practitioner; social services worker; person engaged in the care of a child such including a day care, child care or foster care worker; and a person in public protection positions, for example a peace officer or a law enforcement official.[iii] Apart from the persons mandated by law to report instances of suspected child abuse or neglect, any other person may report suspected child abuse or neglect. [iv]

Abused or neglected child is a child whose physical or mental health is harmed or threatened to be harmed because of acts or omissions of a person responsible for the child's welfare.[v] Examples of incidents where a child's physical or mental health is said to be harmed are: [vi]

- Skin bruising, bleeding, or any other internal bleeding; burns; poisoning; bone fracture; soft tissue swelling ; extreme pain; impairment of any body organ; or death which is not an accidental occurrence.
- Harm to the psychological capacity of a child. For example, verbal degradation; mental distress; and failure to thrive.
- Sexual abuse of the child
- Injury to the physical health of a child caused due to lack of adequate food, clothing, shelter, psychological care, physical care, health care or supervision when the person responsible for the care of the child is in a sound financial position. However, if a person responsible for the care of the child withdraws from providing medical treatment to the child based on his/her legitimate religious belief, the person cannot be said to have caused harm to the child.

- Cases where a child is provided with a controlled substance. However, controlled substances may be provided to the child as a part of medical treatment on a practitioner's prescription

Oral reports of suspected child abuse or neglect have to be made immediately over telephone to the Child Protective Services or the Guam Police Department. A written report must be submitted within 48 hours of the oral report.[vii] Any person must not refrain from providing any information or reporting to the concerned authority on the ground of "privileged communications". [viii] Such privileges are specifically excluded with respect to reporting suspected child abuse or neglect. [ix]

While performing official duties if any commercial film and photographic print processor comes to know of or observes any film, photograph, video tape, negative or slide of a child under the age of 18 engaged in an act of sexual conduct, such instances of suspected child abuse must be immediately reported to the Child Protective Services. Initially the person must make an oral report over the phone. Within 48 hours of receiving information of the suspected child abuse, a written report must also be submitted. The written report must be accompanied with a copy of the film, photograph, video tape, negative or slide.[x] The term "sexual conduct" as defined in 19 GCA § 13201(c) include acts such as: sexual intercourse between persons of the same or opposite sex or between humans and animals; masturbation, exhibition of the genitals, pubic or rectal areas, or sadomasochistic abuse for the purpose of sexual stimulation of the viewer; or penetration of the vagina or rectum by any object.

Immediately after receiving a report, the Child Protective Services shall make a telephone report to the Guam Police Department and to the Attorney General's Office of every known or suspected instance of child abuse except acts or omissions coming within subsection (t) (4) of § 13101 (dealing with cases where the physical health of a child is adversely affected due to lack of food, clothing, shelter, psychological care, physical care, health care or supervision on the part of the person responsible for the care of the child.) Within 48 hours of receiving the report of child abuse or neglect, Child Protective Services shall also send a written report to the Guam Police Department and to the Attorney General's Office.[xi]

Similarly, the Guam Police Department must make a telephone report of every known or suspected instance of child abuse reported to it, except acts or omissions coming within subsection (t) (4) of § 13101. The report must be made to the Child Protective Services and to the Attorney General's Office. The acts or omissions referred in § 13101(t)(4) must only be reported to Child Protective Services. The Police Department shall also send a written report within 48 hours of receiving information regarding the incident.[xii]

If the report involves any active duty military personnel or their dependents, the Child Protective Services and the Guam Police Department shall immediately report to the appropriate Department of Defense Family Advocacy Program. The report may be made over the telephone.[xiii]

Reporting forms shall be made available to all person required to report incidents of child abuse or neglect.[xiv] The forms shall be developed and distributed by the Child Protective Services.[xv] All reports of child abuse or neglect must contain:[xvi]

- name of the person making the report. Persons other than mandated reporters making reports may also be asked to disclose their name;
- name, age, sex, and present location of the child;
- nature and extent of injury;
- any other relevant information such as factors that that led the reporter to suspect child abuse that may be requested by the child protective agency receiving the report;
- Any other information that is relevant to the case of child abuse or neglect may also be disclosed to the investigator from a child protective agency;
- name of the person responsible for the suspected abuse or neglect;
- the child's family composition;
- actions taken by the reporting source; and
- any other information that child protective agency may require by regulation.

Child Protective Services shall initiate the development and implementation of cooperative arrangements for the investigation of a case. Within 36 hours of starting an investigation of child abuse or neglect, the Guam Police Department shall report to Child Protective Services that it is investigating the case. [xvii]

Any mandated reporter who suspects that a child died as a result of child abuse or neglect shall report that fact to the chief medical examiner. The chief medical examiner shall accept the report for investigation and shall report the findings to the Guam Police Department, the Attorney General's Office, and the Child Protective Services. If the report is made by hospital personnel, the result of the investigation shall be reported to the hospital as well. [xviii]

The Child Protective Services shall: [xix]

- Establish an active file of child abuse or neglect reports under investigation and cases where services are being provided.
- Establish a central register of child abuse or neglect which contains name of the victim and details of the case.
- Establish and maintain a 24-hour telephone reporting system that may be used by mandated reporters or any other person to report instances of child abuse or neglect.

Any information from the central register shall not be released unless Child Protective Services has identified the person requesting the information and determines that he/she is in legitimate need of the requested information.[xx]

If the child abuse or neglect of a child is not proved within one year from the date of the report, such reports shall be considered as a report where substantial evidence of child abuse does not exist. All information identifying the subjects of such report shall be expunged from Child Protective Services' suspected files. [xxi]

The Child Protective Services receives report round the clock, and commences investigation of the case within 72 hours of receiving the report. After considering the safety of the child, it shall notify the subjects of the report that a report of child abuse or neglect has been filed. The investigation will be completed within 60 days of receiving the report.[xxii]

The investigation includes determination of the risk of the children continuing in their home, and an evaluation of the nature, extent and cause of any condition mentioned in the report. It shall also determine if the child is harmed by factors beyond the control of the

child's parents or the person responsible for the welfare of the child, and if so determined take appropriate steps to improve such conditions. [xxiii]

The Child Protective Services shall also take a child into protective custody to prevent the child from further abuse. After conducting an investigation, the Child Protective Services shall contract with public or private agencies in order to protect the child. It shall also appoint a guardian ad litem for the child, if required. Child Protective Services shall assist the court during all stages of trial.[xxiv] Upon receiving a report, the Child Protective Services shall make attempts to find out if any other member of the house is also abused or neglected. [xxv]

Any person, hospital, institution, school, facility or agency participating in good faith in making a report or testifying in any proceeding arising out of an instance of suspected child abuse or neglect shall be immune from civil or criminal liability that might otherwise result from such actions. The immunity also applies to the taking of photographs or the removal or keeping of a child pursuant to § 13302 (dealing with the protective custody of a child without a court order) of the Child Protective Act.[xxvi]

Any person who knowingly fails to report instances of child abuse or neglect is guilty of a misdemeanor. Penalty for the failure to report shall include confinement for a term up to six months, a fine up to $ 1,000 or both. A second or subsequent conviction shall be a felony in the third degree. Fines collected for the failure to report is deposited in the Victims Compensation Fund.[xxvii]

Reports of child abuse or neglect shall be kept confidential. Information may be released only if permitted by law, and is necessary for the safety of the child. The information may be disclosed to multidisciplinary teams to help in the disposition of cases; courts of competent jurisdiction to determine the case before it; grand juries; military and governmental authorities investigating the case; physician treating a child who suspects that the child is a victim of child abuse or neglect; any agency or individual authorized, contracted or licensed to diagnose, care or treat a child who is the subject of a report of abuse or neglect; a guardian ad litem, attorney for the child, permanent foster or adoptive parent responsible for the welfare of the child; or any authorized official of the Department of Public Health

and Social Services and its authorized representatives. However, the identity of the reporter must be kept confidential and should not be disclosed unless permitted by law. [xxviii]

The reporter's identity shall be disclosed only to child protective agencies, counsel representing a child protective agency, the Attorney General's Office in a criminal prosecution or Family Court action, or any licensing agency when abuse in licensed out-of-home care is suspected. However, the reporter's identity may not be kept confidential if so required by a court order, or if the reporter agreed to disclose his name.[xxix]

Unauthorized disclosure of any information in the report will be punishable, and considered as a felony of the third degree. [xxx]

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[i] 19 GCA § 13200

[ii] 19 GCA § 13201(a)

[iii] 19 GCA § 13201(b)

[iv] 19 GCA § 13202

[v] 19 GCA § 13101(b)

[vi] 19 GCA § 13101(t)

[vii] 19 GCA § 13203(a)

[viii] 19 GCA § 13201(a)

[ix] 19 GCA § 13201(b)

[x] 19 GCA § 13201(c)

[xi] 19 GCA § 13203(b)

[xii] 19 GCA § 13203(b)

[xiii] 19 GCA § 13203(b)

[xiv] 19 GCA § 13203(e)

[xv] 19 GCA § 13204

[xvi] 19 GCA § 13203(c)

[xvii] 19 GCA § 13204

[xviii] 19 GCA § 13205

[xix] 19 GCA § 13208

[xx] 19 GCA § 13208(c)

[xxi] 19 GCA § 13208(f)

[xxii] 19 GCA § 13209

[xxiii] 19 GCA § 13209

[xxiv] 19 GCA § 13209

[xxv] 19 GCA § 13209.1

[xxvi] 19 GCA § 13206

[xxvii] 19 GCA § 13207

[xxviii] 19 GCA § 13210

[xxix] 19 GCA § 13203(d)

[xxx] 19 GCA § 13210

GUAM POLICE DEPARTMENT

DIPÅTTAMENTON POLISIAN GUAHAN

Government of Guam

Bldg. 13-16A Mariner Avenue, Tiyan
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P.O. Box 23909 Barrigada, Guam 96921
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
Fax: (671) 472-4036

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

FRED E. BORDALLO, JR.
Chief of Police

RICARDO M. LEON GUERRERO
Acting Police Commander

July 5, 2012

The Honorable Adolpho B. Palacios, Sr.
Senator and Chairman, Committee on Public Safety,
Law Enforcement & Judiciary
I Mina'Trentai Uno Na Liheslaturan Guåhan
155 Hesler Place
Hågatña, Guam 96910

Subject: Written Testimony
Re: Bill No. 476-31(COR) and Bill No. 482-31(COR)

Dear Senator Palacios:

Buenas yan Hafa Adai! The Guam Police Department (GPD) hereby submits this written testimony relative to **Bill No. 476-31(COR)**: An Act to add a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term "Pornographic;" and **Bill No. 482-31(COR)**: An Act to amend a §§25.01.20 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, Relative to the Solicitation of Children and Child Pornography.

With respect to existing statutes it is unfortunate that a mere definition, the lack of clarity and intention have precluded the Office of the Attorney General from formally charging a perpetrator for heinous acts against our children, specifically the solicitation of children and child pornography.

The collaboration with the 31st Guam Legislature and the Office of the Attorney General now provides local law enforcement entities the confidence to move forward in assuring that these defenseless victims will now see justice.

The Guam Police Department fully supports the intent of both Bill No. 476-31(COR) and Bill No. 482-31(COR) and certainly appreciates the dialogue initiated to address the grave concerns affecting our children. *Dangkulo na si Yu'os ma'ase!*

Senseramente,

FRED E. BORDALLO, JR.

8

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 3

If you do not receive legible copies of all the pages, please call back as soon as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Notes on the following Bill Nos.: **482-31(COR).**

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!

Bureau of Budget & Management Research
Fiscal Note for Bill No. 482-31 (COR)

AN ACT TO AMEND §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	13,333,779
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	$13,333,779

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance		$0	$0
FY 2012 Adopted Revenues	$0	$0	$0
FY 2012 Appro. (P.L. 31-77)	$0	$0	$0
Sub-total:		$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	$0	$0	$0	$0	$0	$0
(Specify Special Fund)	$0	$0	$0	$0	$0	$0
Total	$0	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? // Yes /x/ No
   If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
   If no, what is the additional amount required? $ _____ /x/ N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
   If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
   Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No
   / / Requested agency comments not received by due date / / Other: _____

Analyst: _____ Date: 7/12 Director: _____ Date: JUL 13 2012
John A. Rios, BBMR Director

7/13/12

Footnotes:

Bill 482-31 amends and updates sections of Chapter 25 in Title 9 of the Guam Code Annotated in reference to crimes against children over the internet and cyberspace. However, in its present form, a fiscal impact can not be determined at this time.

COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

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CHAIRPERSON
MAJORITY LEADER

Senator
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VICE CHAIRPERSON
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vicente c. pangelinan

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ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 26, 2012

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill Nos. 479-31 (COR) thru 483-31 (COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 479-31 (COR) through 483-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan.*

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(5) Attachment

I Mina'Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
482-31 (COR)	Adolpho B. Palacios, Sr.	AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.	06/25/12 2:26 p.m.	6/26/12		Committee on Public Safety, Law Enforcement and Judiciary			

Bill Introduced/History
6/26/2012 11:49 AM

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
FRIDAY, JULY 13, 2012

FOR IMMEDIATE RELEASE
(Hagatna, Guam – July 3, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at **9:00 a.m., Friday, July 13, 2012** at ***I Liheslaturan Guåhan's*** **Public Hearing Room** in *Hagåtña,* based on the following schedule:

- **Bill No. 476-31 (COR)** - AN ACT TO *ADD* A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.
- **Bill No. 477-31 (COR)** - AN ACT TO *AMEND* §23112 OF ARTICLE 1 AND §23203 OF ARTICLE 2, BOTH OF CHAPTER 23, DIVISION 2, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LEVIES ON EARNINGS. – by Senator Adolpho B. Palacios, Sr.
- **Bill No. 482-31 (COR)** - AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY. – by Senator Adolpho B. Palacios, Sr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email: senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Jennifer Dulla at (671) 472-5047/5048.

###

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

Subject: First Notice of Public Hearing scheduled for July 13, 2012

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

To: phnotice@guamlegislature.org;

Cc: amier@mvguam.com; clynt@spbguam.com; dcrisost@guampdn.com; dmgeorge@guampdn.com; editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbguam.com; kstokish@gmail.com; kstonews@ite.net; life@guampdn.com; mabuhaynews@yahoo.com; mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbguam.com; nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com; rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com; therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Tuesday, July 3, 2012 3:23 PM

Hafa Adai! Please see attached First Notice of Public Hearing scheduled for Friday, July 13, 2012 beginning at 9:00am in the Legislature's Public Hearing Room. Thank you for your kind attention!

Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)

Destination	Start Time	Time	Prints	Result	Note
PDN	07-03 14:57	00:00:37	001/001	OK	
KUAM	07-03 14:58	00:00:32	001/001	OK	
PNC	07-03 14:59	00:00:22	001/001	OK	
K57	07-03 15:00	00:00:19	001/001	OK	
HIT RADIO 100	07-03 15:00	00:00:20	001/001	OK	
KSTO	07-03 15:01	00:00:43	001/001	OK	
GLIMPSES	07-03 15:02	00:00:20	001/001	OK	
MARIANAS VARIETY	07-03 15:03	00:00:20	001/001	OK	
KSTEREO/KISH	07-03 15:04	00:00:43	001/001	OK	
JOY 92 FM	07-03 15:05	00:00:19	001/001	OK	
KPRG	07-03 15:06	00:00:19	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
FRIDAY, JULY 13, 2012

FOR IMMEDIATE RELEASE
(Hagatna, Guam – July 3, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at **9:00 a.m., Friday, July 13, 2012** at ***I Liheslaturan Guåhan's*** **Public Hearing Room** in *Hagåtña,* based on the following schedule:

- **Bill No. 476-31 (COR)** - AN ACT TO *ADD* A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.
- **Bill No. 477-31 (COR)** - AN ACT TO *AMEND* §23112 OF ARTICLE 1 AND §23203 OF ARTICLE 2, BOTH OF CHAPTER 23, DIVISION 2, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LEVIES ON EARNINGS. – by Senator Adolpho B. Palacios, Sr.
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Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email: senator@senatorpalacios.com or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Jennifer Dulla at (671) 472-5047/5048.

###

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
FRIDAY, JULY 13, 2012

FOR IMMEDIATE RELEASE
(Hagatna, Guam – July 6, 2012)

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

Subject: First Notice of Public Hearing scheduled for July 13, 2012

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

To: phnotice@guamlegislature.org;

Cc: amier@mvguam.com; clynt@spbguam.com; dcrisost@guampdn.com; dmgeorge@guampdn.com; editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbguam.com; kstokish@gmail.com; kstonews@ite.net; life@guampdn.com; mabuhaynews@yahoo.com; mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbguam.com; nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com; rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com; therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Friday, July 6, 2012 10:46 AM

PRESS RELEASE
FIRST NOTICE OF PUBLIC HEARING
FRIDAY, JULY 13, 2012

FOR IMMEDIATE RELEASE
(Hagatna, Guam – July 6, 2012)

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###

Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)

07/06/2012 10:33
Serial No. A02E011003085
TC: 188278

Destination	Start Time	Time	Prints	Result	Note
PDN	07-06 10:24	00:00:37	001/001	OK	
MV GUAM	07-06 10:25	00:00:19	001/001	OK	
KUAM	07-06 10:25	00:00:35	001/001	OK	
PNC	07-06 10:26	00:00:22	001/001	OK	
K57	07-06 10:27	00:00:18	001/001	OK	
HIT RADIO 100	07-06 10:27	00:00:20	001/001	OK	
KSTO	07-06 10:28	00:00:42	001/001	OK	
GLIMPSES	07-06 10:30	00:00:20	001/001	OK	
KSTEREO/KISH	07-06 10:31	00:00:42	001/001	OK	
JOY 92 FM	07-06 10:31	00:00:29	001/001	OK	
KPRG	07-06 10:32	00:00:19	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
FRIDAY, JULY 13, 2012

FOR IMMEDIATE RELEASE
(Hagatna, Guam – July 6, 2012)

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###

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

Gmail by Google

Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for July 13, 2012

2 messages

Senator Adolpho B. Palacios, Sr. <senator@senatorpalacios.com> Tue, Jul 10, 2012 at 3:35 PM

Bcc: jason@kuam.com, life@guampdn.com, mindy@kuam.com, news@guampdn.com, news@spbguam.com, phnotice@guamlegislature.org, sabrina@kuam.com, slimtiaco@guampdn.com, telo.taitague@guam.gov, "amier@mvguam.com" <amier@mvguam.com>, "clynt@spbguam.com" <clynt@spbguam.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "editor@mvguam.com" <editor@mvguam.com>, "jtyquiengco@spbguam.com" <jtyquiengco@spbguam.com>, "kstokish@gmail.com" <kstokish@gmail.com>, "mabuhaynews@yahoo.com" <mabuhaynews@yahoo.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, "nick.delgado@kuam.com" <nick.delgado@kuam.com>, "officemanager@hitradio100.com" <officemanager@hitradio100.com>, "ricknauta@hitradio100.com" <ricknauta@hitradio100.com>, "rlimtiaco@guampdn.com" <rlimtiaco@guampdn.com>, "therese.hart.writer@gmail.com" <therese.hart.writer@gmail.com>, "zita@mvguam.com" <zita@mvguam.com>, Adolpho Palacios <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Jennifer Louise Dulla <jennifer@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

PRESS RELEASE
48-HOUR NOTICE OF PUBLIC HEARING
FRIDAY, JULY 13, 2012

FOR IMMEDIATE RELEASE
(Hagatna, Guam – July 10, 2012)

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Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)

PH NOTICE 07102012.pdf
443K

Adam S. Bearce <adam@guamlegislature.org> Tue, Jul 10, 2012 at 4:34 PM
To: "Senator Adolpho B. Palacios, Sr." <senator@senatorpalacios.com>, Yong Pak <yong@guamlegislature.org>

Hi. Confirmed posted.

From: senabpalacios@gmail.com [mailto:senabpalacios@gmail.com] **On Behalf Of** Senator Adolpho B. Palacios, Sr.
Sent: Tuesday, July 10, 2012 3:35 PM
To: undisclosed-recipients:
Subject: Second Notice of Public Hearing scheduled for July 13, 2012

[Quoted text hidden]

07/10/2012 14:27
Serial No. A02E011003085
TC: 188820

Destination	Start Time	Time	Prints	Result	Note
PDN	07-10 14:11	00:00:36	001/001	OK	
MV GUAM	07-10 14:12	00:00:18	001/001	OK	
KUAM	07-10 14:12	00:00:34	001/001	OK	
PNC	07-10 14:13	00:00:22	001/001	OK	
K57	07-10 14:14	00:00:18	001/001	OK	
HIT RADIO 100	07-10 14:14	00:00:19	001/001	OK	
KSTO	07-10 14:15	00:00:41	001/001	OK	
MARIANAS VARIETY	07-10 14:17	00:00:18	001/001	OK	
KSTEREO/KISH	07-10 14:18	00:00:42	001/001	OK	
JOY 92 FM	07-10 14:19	00:00:27	001/001	OK	
KPRG	07-10 14:20	00:00:18	001/001	OK	
Gov.	07-10 14:22	00:00:18	001/001	OK	
Lt.Gov.	07-10 14:22	00:00:20	001/001	OK	
GLIMPSES	07-10 14:26	00:00:19	001/001	OK	
GUAM BROADCASTING SE	07-10 14:26	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trental Unu Na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

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FRIDAY, JULY 13, 2012

FOR IMMEDIATE RELEASE
(Hagatna, Guam – July 10, 2012)

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- **Bill No. 476-31 (COR)** - AN ACT TO *ADD* A NEW SUBSECTION (l) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

FRIDAY, JULY 13, 2012

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

I. **Call to Order**

II. **Opening Remarks/Announcements**

III. **Items for Discussion:**

9:00 am:

- **Bill No. 476-31 (COR)** – AN ACT TO *ADD* A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". – **sponsored by Senator Adolpho B. Palacios, Sr.**

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IV. **Closing remarks.**

V. **Recess/Adjournment.**

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: Senator@SenatorPalacios.com • Website: www.senatorpalacios.com

Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva Taijeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

Other Committee Membership:

Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform

Member, Committee on Education and Public Libraries

Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources

Member, Committee on Guam Military Buildup and Homeland Security

Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

July 3, 2012

The Honorable Leonardo Rapadas
Attorney General
Office of the Attorney General of Guam
287 W. O'Brien Drive
Hagåtña, Guam 96910

RE: Notice of Public Hearing Scheduled for July 13, 2012

Håfa adai, Attorney General Rapadas:

The Committee on Public Safety, Law Enforcement and Judiciary ("Committee") has scheduled a public hearing on **Friday, July 13, 2012,** beginning at **9:00 a.m.**, at the Legislative Hearing Room in *Hagåtña.* Included on the agenda are the following bills which concern the Office of the Attorney General of Guam:

1. **Bill No. 476-31 (COR)**: An Act to *add* a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term "Pornographic".;

2. **Bill No. 477-31 (COR)**: An Act to *amend* §23112 of Article 1 and §23203 of Article 2, Both of Chapter 23, Division 2, Title 7, Guam Code Annotated, Relative to levies on earnings.; and,

3. **Bill No. 482-31 (COR)**: An Act to *amend a* §§25.01.20 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, Relative to the solicitation of children and child pornography.

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Should you have questions regarding this matter, please contact me directly at 688-2671 or thru e-mail at *senator@senatorpalacios.com.*

Senseramente,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairman

Office/Malling Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

TX Result Report

P 1
07/03/2012 15:39
Serial No. A02E011003085
TC: 187987

Destination	Start Time	Time	Prints	Result	Note
AGO	07-03 15:38	00:00:23	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.

Thirty-First
Guam Legislature

Committee Members:

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
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July 3, 2012

Cynthia Ecube, Esq.
President
Guam Bar Association
Guam Judicial Center
Hagåtña, Guam 96910

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TX Result Report

P 1
07/03/2012 15:41
Serial No. A02E011003085
TC: 187988

Destination	Start Time	Time	Prints	Result	Note
Guam Bar	07-03 15:41	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

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I Mina'Trental Uno Na Liheslaturan Guåhan

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July 3, 2012

Perry Taitano
Administrator of the Courts
Unified Judiciary of Guam
120 W. O'Brien Drive
Hagåtña, Guam 96910

RE: Notice of Public Hearing Scheduled for July 13, 2012

Håfa adai, Mr. Taitano:

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TX Result Report

P 1
07/03/2012 15:55
Serial No. A02E011003085
TC: 187999

Destination	Start Time	Time	Prints	Result	Note
Court Admin	07-03 15:55	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.

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July 3, 2012

Eric D. Miller
Executive Director
Public Defender Services Corporation
Sinajana, Guam 96910

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TX Result Report

P 1
07/03/2012 15:46
Serial No. A02E011003085
TC: 187996

Destination	Start Time	Time	Prints	Result	Note
Public Defender	07-03 15:45	00:00:29	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

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Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva Taijeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

Other Committee Membership:

Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform

Member, Committee on Education and Public Libraries

Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources

Member, Committee on Guam Military Buildup and Homeland Security

Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

July 3, 2012

Chief Fred Bordallo
Guam Police Department
Bldg. 13-16A Mariner Avenue
Tiyan, Guam 96912

RE: Notice of Public Hearing Scheduled for July 13, 2012

Håfa adai, Chief Bordallo:

The Committee on Public Safety, Law Enforcement and Judiciary ("Committee") has scheduled a public hearing on **Friday, July 13, 2012,** beginning at **9:00 a.m.**, at the Legislative Hearing Room in *Hagåtña*. Included on the agenda are the following bills which concern the Guam Police Department:

1. **Bill No. 476-31 (COR)**: An Act to *add* a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term "Pornographic".; and,

2. **Bill No. 482-31 (COR)**: An Act to *amend a* §§25.01.20 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, Relative to the solicitation of children and child pornography.

The Committee invites the Guam Police Department to provide testimony relative to the bills referenced above. If you are unable to attend, a written comment would be appreciated. For your convenience, a copy of the aforementioned bills may be viewed via *I Liheslaturan Guåhan's* website: *www.guamlegislature.com/31st_bills_intro.*

Should you have questions regarding this matter, please contact me directly at 688-2671 or thru e-mail at *senator@senatorpalacios.com.*

Senseramente,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairman

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TX Result Report

P 1
07/03/2012 15:47
Serial No. A02E011003085
TC: 187997

Destination	Start Time	Time	Prints	Result	Note
GPD	07-03 15:46	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-Code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.

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2012 JUN 25 PM 2:26

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 482-31(COR)

Introduced by: Adolpho B. Palacios, Sr.

AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds, through communication and collaboration with the Office of the Attorney General, that there is a need to update Guam's criminal laws in order to combat the different forms of crimes taking shape over the internet and cyberspace.

I Liheslaturan Guåhan is especially concerned with internet crimes against children. As a matter of reference, P.L. 29-63, which seeks to update Guam's laws to protect children from online predators, was enacted in April 2008. P.L. 29-63 established the penalties for individuals found guilty of crimes involving the solicitation of children and child pornography including indecent

electronic display to a child, electronic enticement of a child as a third degree felony, possession of child pornography, and dissemination of child pornography.

I Liheslaturan Guåhan further finds it necessary to amend the current electronic enticement laws, as recognized and recommended by the Office of the Attorney General, in order to correct a clerical oversight that might have occurred when the current legislation was finalized resulting in the Statute being unclear as to the elements of the crime.

Therefore, *I Liheslatura* intends to correct such clerical and technical error so that there will be no issues as to the clarity and intent of applicable Statutes with respect to crimes involving the solicitation of children and child pornography.

Section 2. Sections 25.01.20, 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, are hereby *amended*, to read:

"**§25.01.20. Electronic Enticement of a Child as a Third Degree Felony.**

(a1)Any person who, ~~knowingly~~ usesing a computer online service, internet service, or any other device capable of electronic data storage or transmission to solicit, lure, or entice, or attempt to solicit, lure, or entice:

(1a) Intentionally or knowingly communicates:

(i) With a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) With another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(~~3~~iii) With another person who represents him *or* herself to be under the age of eighteen (18) years, with the intent to promote *or* facilitate the commission of an unlawful sexual act or sexual offense in violation of Guam Law, or another criminal offense as set forth in Title 9 GCA Chapter 89, Section 89.01,

is guilty of electronic enticement of a child as a Third Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a Third Degree Felony.

(~~c~~3) Each separate use of a computer online service, Internet service, *or* any other device capable of electronic data storage or transmission wherein an offense described in this Section is committed may be charged as a separate offense.

(~~d~~4) It *shall not* constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law

enforcement was involved in the detection or investigation of a violation of this section."

"**§25.01.30. Electronic Enticement of a Child as a Second Degree Felony.**

(~~a~~1)Any person who, using a computer online service, Internet service, *or* any other device capable of electronic data storage *or* transmission:

(a) I~~i~~ntentionally *or* knowingly communicates:

(~~1~~i) W~~w~~ith a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) W~~w~~ith another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or

(~~3~~iii) W~~w~~ith another person who represents him *or* herself to be under the age of eighteen (18) years; and

(b) W~~w~~ith the intent to promote or facilitate the commission of a felony, *or* another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01, agrees to meet with the minor, or with another person who represents him *or* herself to be a minor under the age of eighteen (18) years~~,~~; and

(c) Intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time;

is guilty of electronic enticement of a child as a Second Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a Second Degree Felony."

"**§25.01.40. Electronic Enticement of a Child as a First Degree Felony.**

(~~a~~1)Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission:

(a) I~~i~~ntentionally or knowingly communicates:

(~~1~~i) W~~w~~ith a minor known by the person to be under the age of eighteen (18) years;

(~~2~~ii) W~~w~~ith another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years; or

(~~3~~iii) W~~w~~ith another person who represents him or herself to be under the age of eighteen (18) years;

(4b) W~~w~~ith the intent to promote or facilitate the commission of a felony:

(~~A~~i) T~~t~~hat is murder or aggravated murder as defined in Title 9 GCA Chapter 16;

(~~B~~ii) T~~t~~hat is a first degree felony; or

(~~C~~iii) T~~t~~hat is another criminal offense as set forth in Title 9 GCA Chapter 89, §89.01,

agrees to meet with the minor, or with another person who represents him or herself to be a minor under the age of eighteen (18) years; and

(~~5~~c) Intentionally or knowingly travels to the agreed upon meeting place at the agreed upon meeting time,

is guilty of electronic enticement of a child as a First Degree Felony.

(~~b~~2)Electronic enticement of a child under this Section is a First Degree Felony."

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