

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
111-36 (COR)	Amanda L. Shelton Mary Camacho Torres Telena Cruz Nelson Therese M. Terlaje	AN ACT TO <i>AMEND</i> § 120.60 OF CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING MEDICAL EXAMINATIONS OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS.	4/9/21 2:15 p.m.						

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

Bill No. 111-36 (COR)

Introduced by:

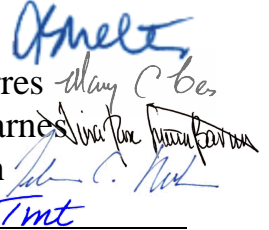
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AN ACT TO AMEND § 120.60 OF CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING MEDICAL EXAMINATIONS OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that a victim of a criminal offense which involves the transmission of body fluids, or which involves certain sexual offenses in which the victim is a minor, disabled adult, or elderly person, is entitled to know at the earliest possible opportunity whether the person charged with the offense has tested positive for human immunodeficiency virus (HIV) infection or any other sexually transmitted disease.

I Liheslatura further finds that to deny victims access to HIV test results causes unnecessary mental anguish in persons who have already suffered trauma. *I Liheslatura* further finds that since medical science now recognizes that early diagnosis is a critical factor in the treatment of hepatitis and HIV infection, both the victim and the person charged with or alleged by petition for delinquency to have

1 committed the offense benefit from prompt disclosure of hepatitis and HIV test
2 results.

3 *I Liheslatura* further finds that the Bureau of Women's Affairs and Federal
4 Programs Office recently received a \$900,000 grant from the Office on Violence
5 Against Women to employ six (6) more nurses trained to administer forensic sexual
6 assault exams under the Improving Criminal Justice Responses (ICJR) to Domestic
7 Violence, Dating Violence, Sexual Assault, and Stalking Program. *I Liheslatura*
8 further finds that a condition of this grant is that the jurisdiction must meet the
9 requirements under 34 U.S.C. § 10461(d) concerning HIV testing of individuals
10 charged with or convicted of sexual assault. If requirements are not met, five percent
11 (5%) of grant funds will be withheld.

12 It is, therefore, the intent of *I Liheslaturan Guåhan* to further the care and
13 treatment of victims of sexual assault by providing them with critical medical
14 information about their assailants through the provision of an additional statutory
15 mechanism whereby a court may order HIV-related testing of individuals who are
16 accused of committing certain sexual offenses.

17 **Section 2.** § 120.60 of Chapter 120, Title 8, Guam Code Annotated, is
18 hereby *amended* to read:

19 **“§ 120.60. Medical Examinations of Those Convicted of Criminal**
20 **Sexual Abuse and Services to Victims of Criminal Sexual Conduct.**

21 (a) Any person convicted of criminal sexual conduct *shall*
22 submit to the necessary medical examinations for determining whether
23 such convicted person is infected with the Human Immunodeficiency
24 Virus (‘HIV’) or with any other sexually transmitted disease such as,
25 but not limited to, the examination of such convicted person’s blood,
26 urine, genital discharge or lesions. The Department of Public Health
27 and Social Services *shall* administer and analyze such necessary

1 medical examinations in accordance with standard medical procedures,
2 and the results of such examinations *shall* be furnished to the victim, or
3 parent or guardian of the victim of such conduct, and to the convicted
4 person.

5 (b) A defendant who is alleged to have committed and
6 charged with a criminal sexual conduct offense as defined by 9 GCA,
7 Chapter 25, at the request of the victim, shall be subject to a court order
8 to submit to the necessary medical examinations for determining
9 whether such person is infected with the Human Immunodeficiency
10 Virus ('HIV') or with any other sexually transmitted disease such as,
11 but not limited to, the examination of such defendant's blood, urine,
12 genital discharge or lesions no later than forty-eight (48) hours after the
13 date on which the information or indictment is presented and the
14 defendant is in custody or has been served with the information or
15 indictment. The Department of Public Health and Social Services shall
16 administer and analyze such necessary medical examinations in
17 accordance with standard medical procedures, and the results of such
18 examinations shall be furnished to the victim, or parent or guardian of
19 the victim of such conduct, and to the defendant.

20 ~~(b)~~(c) The Department of Public Health and Social Services with
21 the assistance of the Sexual Abuse and Rape Crisis Center shall provide
22 services to victims of criminal sexual conduct. Such services to the
23 victim shall be free of charge, and shall include, but are not limited to:

24 (1) Pre and post HIV testing, counseling on HIV
25 prevention and other sexually transmitted diseases (STD), and
26 ensuring that the victim understands the implications of HIV and
27 STD testing, their benefits and results of the test(s); HIV or any

1 other sexually transmitted disease testing in accordance with
2 standard medical procedures and applicable law; and

3 (2) Providing referrals for appropriate health care and
4 support services. Such treatment shall not be construed to
5 interfere with or diminish any medical support already provided
6 by any health insurer, agency or office; nor shall provision of the
7 services or treatment required by this Section relieve any health
8 insurer of its duty to provide coverage.”