

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
244-36 (LS)	Mary Camacho Torres Therese M. Terlaje Tina Rose Muña Barnes Amanda L. Shelton James C. Moylan Jose "Pedro" Terlaje V. Anthony Ada Frank Blas Jr. Clynton E. Ridgell Joe S. San Agustin Christopher M. Dueñas Sabina F. Perez	AN ACT TO <i>ADD</i> A NEW CHAPTER 163 TO TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT, AND TO FURTHER CITING THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022."	1/26/22 8:00 a.m.						

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

Bill No. 244-36 (LS)

Introduced by:

Mary Camacho Torres *MC*
Therese M. Terlaje *Tmt*
Tina Rose Muña Barnes *Tina Rose Muña Barnes*
Amanda L. Shelton *Amelia*
James C. Moylan *J. moylan*
Jose "Pedro" Terlaje
V. Anthony Ada *V. Anthony Ada*
Frank F. Blas Jr. *Frank F. Blas Jr.*
Clynton E. Ridgell *Clynton E. Ridgell*
Joe S. San Agustin *Joe S. San Agustin*
Christopher M. Duenas *Christopher M. Duenas*
Sabina F. Perez *SFP*

**AN ACT TO *ADD* A NEW CHAPTER 163 TO TITLE 8 OF
THE GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF
SEXUAL ASSAULT, AND TO FURTHER CITING THIS
ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF
2022."**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 163 is hereby *added* to Title 8 of the Guam Code

Annotated to read:

"CHAPTER 163

Survivor's Bill of Rights

§ 163.10. Short Title.

§ 163.20. Legislative Intent.

1 § 163.30. Bill of Rights.

2 § 163.40. Notice of Rights.

3 § 163.50. Severability.

4
5 **§ 163.10. Short Title.** This act shall be known and may be cited as the
6 “Survivor’s Bill of Rights Act of 2022.”

7 **§ 163.20. Legislative Intent.**

8 *I Liheslatura* finds and declares that the enactment of the “Crime Victim’s
9 Rights Act of 2004” (established by Public Law 21-096 and amended by P.L. 27-
10 138:2) has resulted in significant advances in the recognition and protection of the
11 rights of crime victims and survivors once they enter the criminal justice system.
12 Nonetheless, victims of sexual violence, more than other victims, are likely to be
13 blamed for the crime, assumed to be fabricating the crime, or taken less seriously
14 than their injuries warrant. These victims are sometimes discouraged from
15 proceeding with their complaints and as a result are not afforded the protections and
16 rights that other crime victims receive in the criminal justice system. Therefore, with
17 no diminution of the legislatively-recognized rights of crime victims, it is the intent
18 of *I Liheslatura* to accord victims of sexual violence rights which may be easily
19 located in this Chapter.

20 **§ 163.30. Bill of Rights.** Victims of sexual violence shall have the
21 following rights:

22 (a) To have any allegation of sexual assault treated seriously; to be treated
23 with dignity and compassion; and to be notified of existing medical, counseling,
24 mental health, or other services available for victims of sexual assault, whether or
25 not the crime is reported to law enforcement;

26 (b) To be free, to the extent consistent with the Organic Act of Guam or
27 United States Constitution, from any suggestion that victims are responsible for the

1 commission of crimes against them or any suggestion that victims were
2 contributorily negligent or assumed the risk of being assaulted;

3 (c) To be free from any suggestion that victims are to report the crimes to
4 be assured of any other guaranteed right; and to be free from any suggestion that
5 victims should refrain from reporting crimes in order to avoid unwanted personal
6 publicity;

7 (d) When applicable, to no-cost access to the services of Guam's Sexual
8 Assault Response Team (SART) comprised of: the Healing Hearts Crisis Center, the
9 Guam Police Department, Child Protective Services, the Office of the Attorney
10 General, as well as advocacy agencies such as Victim Advocates Reaching Out, and
11 the choice to opt into or out of any of the team's services;

12 (e) To be informed of, and assisted in exercising, the right to be confidentially
13 or anonymously tested for acquired immune deficiency syndrome (AIDS) or
14 infection with the human immunodeficiency virus (HIV) or any other related virus
15 identified as a probable cause agent of AIDS pursuant to 8 GCA §120.60; and to be
16 informed of, and assisted in exercising, any rights that may be provided by law to
17 compel and disclose the results of testing of a sexual assault suspect for
18 communicable diseases pursuant to 8 GCA §120.60;

19 (f) To have forensic medical evidence, if collected, retained for a minimum
20 of five (5) years, and to receive information about the status of the evidence upon
21 request, including the location, testing date, and testing results of a kit, whether a
22 DNA profile was obtained from the kit, whether or not there are matches to DNA
23 profiles in state or federal databases, and the estimated destruction date for the kit,
24 all in a manner of communication designated by the victim;

25 (g) To choose whether to participate in any investigation of the assault;

26 (h) To reasonable efforts to provide treatment and interviews in a language in
27 which the victim is fluent and the right to be given access to appropriate assistive

1 devices to accommodate disabilities that the victim may have, whether temporary or
2 long term;

3 (i) To information and assistance in accessing specialized mental health
4 services; protection from further violence; and other appropriate community or
5 governmental services, including services provided by the Criminal Injuries
6 Compensation Program; and all other assistance available to crime victims under
7 current law; and

8 (j) To be apprised of the availability and process by which to seek protections
9 through a temporary or final protective order if the victim believes that the victim is
10 at risk for re-victimization or further harm by the perpetrator.

11 **§ 163.40. Notice of Rights.**

12 The Office of the Attorney General Victim Services Center shall publish a
13 notice of these rights which shall be posted in all hospital emergency departments,
14 police stations and other law enforcement agencies, sexual violence service
15 organizations, and any other appropriate place to inform victims of sexual violence
16 of their rights. The Attorney General shall incorporate the rights and services
17 enumerated in this Chapter in its standards for providing services to victims of sexual
18 assault to ensure the compassionate and sensitive delivery of services to all sexual
19 violence victims.

20 **§ 163.50. Severability.** If any provision of this Chapter or its application
21 to any person or circumstance is found to be invalid or contrary to law, such
22 invalidity shall not affect other provisions or applications of this Chapter that can be
23 given effect without the invalid provision or application, and to this end the
24 provisions of this Chapter are severable.

25 **Section 2. Effective Date.** This Act shall take effect thirty (30) days following
26 the date of enactment, but the Office of the Attorney General may take such

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