

I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS


BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
242-36 (LS)	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	AN ACT TO <i>ADD</i> A NEW ARTICLE 2 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS FROM SHARED WIRELESS PLANS.	1/25/22 5:19 p.m.	2/1/22	Committee on Health, Land, Justice, and Culture	4/6/22 9:00 a.m.	5/19/22 12:10 p.m. As amended by the Committee on Health, Land, Justice, and Culture	Request: 2/4/22  Waiver: 2/8/22	



Office of the Speaker  
**THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

May 18, 2022

**The Honorable Tina Rose Muña Barnes**   
Chairperson, Committee on Rules  
*I Mina'trentai Sais na Liheslaturan Guåhan*  
163 Chalan Santo Papa  
Hagåtña Guam, 96910

**RE: Committee Report on Bill No. 242-36 (LS) As amended**

*Håfa Adai* Chairperson Muña Barnes:

Transmitted herewith is the Committee Report on the **Bill No. 242-36 (LS)- As Amended by the Committee on Health, Land, Justice, and Culture- Introduced by 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 ADD A NEW ARTICLE 2 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS FROM SHARED WIRELESS PLANS."**

Committee votes are as follows:

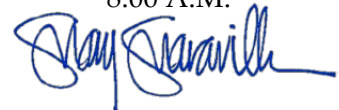
  5   TO DO PASS  
  0   TO NOT PASS  
  2   TO REPORT OUT ONLY  
  0   TO ABSTAIN  
  0   TO PLACE IN INACTIVE FILE

**COMMITTEE ON RULES**

**RECEIVED:**

May 18, 2022

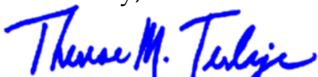
8:00 A.M.



**Documents Rec'd:**

May 19, 2022 @ 8:00 A.M.

Sincerely,



**Speaker Therese M. Terlaje**

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

*\*For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*



Office of the Speaker  
**THERESE M. TERLAJE**  
*I Mina'trentai Sais na Liheslaturan Guåhan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

## **COMMITTEE REPORT**

# **Bill No. 242-36 (LS)**

As Amended by the Committee on Health, Land, Justice, and Culture

Introduced by:

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 ADD A NEW ARTICLE 2 TO  
CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED,  
AND TO FURTHER ADD A NEW § 30.400 TO  
CHAPTER 30 OF TITLE 9, GUAM CODE  
ANNOTATED, RELATIVE TO THE TRANSFER  
OR RELEASE OF FAMILY VIOLENCE, SEXUAL  
ASSAULT, AND STALKING VICTIMS FROM  
SHARED WIRELESS PLANS."**

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

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please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*



Office of the Speaker  
**THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

May 18, 2022

**MEMORANDUM**

**To:** All Members  
Committee on Health, Land, Justice, and Culture

**From:** Speaker Therese M. Terlaje *TMT*  
Committee Chairperson

**Subject:** Committee Report on Bill No. 242-36 (LS), As amended

Transmitted herewith for your consideration is the Committee Report on Bill No. 242-36 (LS)- **As Amended by the Committee on Health, Land, Justice, and Culture-** *Introduced by 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 ADD A NEW ARTICLE 2 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS FROM SHARED WIRELESS PLANS."*

This report includes the following:

- Copy of COR Referral of Bill No. 242-36 (LS), As Introduced
- Notices of Public Hearing & Other Correspondence
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 242-36 (LS), As Introduced
- Amended Bill No. 242-36 (LS)
- Copy of Fiscal Note Waiver from the Bureau of Budget & Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.  
Si Yu'os Ma'åse'!

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

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Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÅTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

February 1, 2022

# MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**Legal Bureau**

**From:** **Senator Amanda L. Shelton**  
Acting Chairperson, Committee on Rules

**Re:** **Referral of Bill No. 242-36 (LS)**

---

*Håfa Adai,*

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 242-36 (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 – “AN ACT TO ADD A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.”

Please ensure that the subject bill is referred to the **Committee on Health, Land, Justice, and Culture**, chaired by **Speaker Therese M. Terlaje**.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

**Senator Amanda L. Shelton**  
Acting Chairperson, Committee on Rules



I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
242-36 (LS)	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	AN ACT TO <i>ADD</i> A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER <i>ADD</i> A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.	1/25/22 5:19 p.m.	2/1/22	Committee on Health, Land, Justice, and Culture				





Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

## FIRST NOTICE of Virtual Public Hearing - Wednesday, April 6, 2022, beginning at 9:00 a.m.

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Wed, Mar 30, 2022 at 5:10 PM

To: phnotice@guamlegislature.org

Cc: Audio / Video <av@guamlegislature.org>, Guam MIS <mis@guamlegislature.org>, Ibarra Hernandez <ihernandez@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofiguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <Chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, Manuel Cruz <cruzma812@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>, "Mayors' Council of Guam - Admin." <mcogadmin@teleguam.net>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayor@yahoo.com, agatvice.chrisfejeran@yahoo.com, "Mayor Frankie A. Salas" <asanmainamayor@gmail.com>, June Blas <mayorbarrigada@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, "Vice Mayor Peter John S. Benavente" <onedededo@gmail.com>, hagatnamayor@hotmail.com, Mayor Anthony Chargualaf <inalahanmayor@gmail.com>, Allan Ungacta <mayorallan.ungacta@yahoo.com>, Vice Mayor Kevin AN Delgado <mangilao.vicemayor@gmail.com>, mayoremnestc@yahoo.com, mtmmayorpaco17@gmail.com, Jesse Alig <jesse.alig@pitiguam.com>, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Mayor Taitague <talofomayor@gmail.com>, "Mayor Louise C. Rivera" <Mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Albert M. Toves" <atoves.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Mayor Anthony P. Sanchez" <ymayortony@gmail.com>, "Vice Mayor Loreto V. Leones" <lloretoleones@gmail.com>, "Mayor Bill A. Quenga" <yonamayor2020@gmail.com>, jolene@postguam.com, Phil Leon Guerrero <phil@postguam.com>, [REDACTED] <[REDACTED]@gmail.com>, gerry@spbgum.com, Damen Borja <damen@spbgum.com>, [REDACTED] <[REDACTED]@gmail.com>, jsantotoma@guampdn.com, [REDACTED] <[REDACTED]@gmail.com>

March 30, 2022

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson  
Committee on Health, Land, Justice and Culture

Subject: **FIRST NOTICE of Virtual Public Hearing - Wednesday, April 6, 2022, beginning at 9:00**

a.m.

*Buenas yan Håfa Adai,*

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on Wednesday, April 6, 2022, beginning at 9:00 a.m., for the following agenda items:

**9:00 AM:**

- **Bill No. 242-36 (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 - AN ACT TO ADD A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.

**10:00 AM:**

- **Bill No. 243-36 (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 AMEND §25.10(a), §25.15(a)(4)-(7), §25.20(a)(4)-(7), §25.25(a)(3), AND §25.30(a)(2), ALL OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING "CONSENT," REVISING THE LANGUAGE OF "MENTALLY DEFECTIVE" TO "MENTALLY IMPAIRED," AND EXPANDING THE DEFINITION OF "MENTAL INCAPACITATION" AND "PHYSICALLY HELPESS."
- **Bill No. 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 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."

**2:00 PM**

- **APPOINTMENT HEARING:** Appointment of Earl J. Garrido to serve as a Member of the CHamoru Land Trust Commission, for a term of three (3) Years; April 11, 2021, to April 10, 2024, to fill term of Austin Duenas whose term has expired.

**3:00 PM**

- **INFORMATIONAL HEARING:** on existing laws and agency regulatory, permitting, and environmental guidelines relative to mineral extraction on Guam.

Please contact (671) 472-3586 or [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) by TUESDAY, APRIL 5, 2022, to register to provide virtual testimony. Written testimony may also be submitted via email or to the Office of Speaker Therese Terlaje at the Guam Congress Bldg; 163 Chalan Santo Papa, Hagåtña, Guam.



All hearings will be broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and Guam Legislature Media on YouTube and will be available on the Guam Legislature Media YouTube Channel after the hearings. In compliance with the Americans with Disabilities Act, Individuals in need of assistance or accommodations should also contact the Office of Speaker Therese M. Terlaje.

We look forward to your participation!

*Si Yu'os Ma'åse'!*

## **Office of Speaker Therese M. Terlaje**

### **Committee on Health, Land, Justice and Culture**

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**FIRST NOTICE OF VIRTUAL PUBLIC HEARING- APRIL 6, 2022\_TMT.pdf**

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# Office of the Speaker **THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guahan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

March 30, 2022

## MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson *TMT*  
Committee on Health, Land, Justice and Culture

Subject: **FIRST NOTICE of Virtual Public Hearing** - Wednesday, April 6, 2022, beginning at 9:00 a.m.

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March 30, 2022

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We look forward to your participation!

*Si Yu’os Ma’åse’!*

---

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



# Judge: Trump likely committed crimes in trying to block Biden

WASHINGTON (The Washington Post) – A federal judge said Monday that then-President Donald Trump “more likely than not” committed federal crimes in trying to obstruct the congressional count of electoral college votes on Jan. 6, 2021 – an assertion that is likely to increase public pressure on the Justice Department to investigate the former commander in chief.

The determination from U.S. District Judge David O. Carter came in a ruling addressing scores of sensitive emails

that Trump ally and conservative lawyer John Eastman had resisted turning over to the House select committee investigating the Jan. 6 riot and related efforts to overturn the 2020 presidential election result.

Eastman wrote key legal memos aimed at denying Democrat Joe Biden's victory. The judge was assessing whether Eastman's communications were protected by attorney-client privilege and was analyzing in part whether Eastman, Trump and others

had consulted about the commission of a crime.

“Based on the evidence, the Court finds it more likely than not that President Trump corruptly attempted to obstruct the Joint Session of Congress on January 6, 2021,” wrote Carter, who is based in California and has jurisdiction because that is where Eastman filed the case.

Trump spokesman Taylor Budowich called the ruling “absurd and baseless” and said it was an example of “how



Donald Trump

the left is weaponizing every branch of government against President Trump.”

Eastman's legal team issued a statement saying that Eastman had a “duty” to raise attorney-client privilege claims

to protect communications for those he represented, but that he “intends to comply with the court's order” to turn over documents.

Carter based his assertions on a review of Eastman's email communications – only one of which the judge determined might be evidence of the furthering of a crime – as well as publicly known facts about Trump's actions in the run-up to the Jan. 6 riot.

## Jan. 6 committee may seek interview with wife of Justice Thomas

WASHINGTON (Reuters) — The congressional panel investigating the deadly Jan. 6, 2021, attack on the U.S. Capitol may seek to interview Virginia Thomas, a Republican activist and wife of Supreme Court Justice Clarence Thomas, a source familiar with

the matter said Monday.

The U.S. House of Representatives' Select Committee has conducted hundreds of interviews in its investigation of the attack on the Capitol last year by supporters of former President Donald Trump as lawmakers were poised to certify the 2020 election.

The January 6 committee met behind closed doors Monday night to discuss whether to invite Thomas to testify. Rep. Bennie Thompson,


chairman of the Jan. 6 committee, told reporters after the meeting that the panel had not made a decision on whether to ask her to testify.

Several media outlets, including CNN on Monday, have reported the committee's possible interest in hearing from Virginia Thomas since her texts with Trump's then-chief of staff, Mark Meadows, were made public last week in a Washington Post/CBS report.


Virginia Thomas, who goes by Ginni,

is active in conservative circles and earlier this month said in a separate media interview that she had attended Trump's rally hours before the Capitol riot.

In a series of 29 messages to Meadows following Trump's loss, Thomas repeatedly asked Meadows to work to overturn the election results. Meadows was found in contempt of Congress for refusing to cooperate fully with the Jan. 6 probe.



**SPEAKER THERESE M. TERLAJE**  
Committee on Health, Land, Justice & Culture  
*Jin'na' t'iental Sais no Liheskatunam Guåhan*



**VIRTUAL PUBLIC HEARING NOTICE**  
**WEDNESDAY, APRIL 6, 2022**

**9:00 AM:**

- Bill No. 242-36 (L.S.)** - 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. Duenas - AN ACT TO ADD A NEW §401.10 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.

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- APPOINTMENT HEARING:** Appointment of Earl J. Garrido to serve as a Member of the Chamorro Land Trust Commission, for a term of three (3) Years; April 11, 2021, to April 10, 2024, to fill term of Austin Duenas whose term has expired.


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- INFORMATIONAL HEARING:** on existing laws and agency regulatory, permitting, and environmental guidelines relative to mineral extraction on Guam.

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**Guam Education Board**  
501 Mariner Avenue, Barrigada, Guam 96913-1608  
Telephone: (671) 300-1627 Facsimile: (671) 472-5003  
Website Address: [www.gdoe.net/geb](http://www.gdoe.net/geb)



**GUAM EDUCATION BOARD**  
**Policy Review & Strategic Planning Committee Work Session**  
**Wednesday, April 6, 2022 | 3 PM**  
**Zoom Video Conferencing**  
**Meeting ID: 950 8251 7718 Passcode: 011235**

**AGENDA**

- I. Call to Order
- II. Guam Department of Education (GDOE) Strategic Plan Discussion
- III. Adjournment

The work session will be live-streamed on the GDOE Facebook page.

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

### +82 CORPORATION (THE)

### DBA: +82 POCHA K-FOOD AND PUB

has applied for a Class: FOUR (4) General on Sale Alcoholic Beverage License said premises being marked as Lot: 5078-R5-NEW-1-NEW Unit 210 Park Arcade San Vitores Rd., Tamuning/Tumon/Harmon

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In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

### PAC FIN FOODS, LLC

### DBA: FIN JAPANESE RESTAURANT

has applied for a Class: FOUR (4) General on Sale Alcoholic Beverage License said premises being marked as Lot: 1-4-R1 TRACT 1141, 526 ROUTE 3 NCS PLAZA UNIT 1 & 2 DEDED0





Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

## SECOND NOTICE of Virtual Public Hearing - Wednesday, April 6, 2022, beginning at 9:00 a.m.

1 message

Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

Mon, Apr 4, 2022 at 7:02 AM

To: phnotice@guamlegislature.org

Cc: Audio / Video &lt;av@guamlegislature.org&gt;, Tom Unsiog &lt;sgtarms@guamlegislature.org&gt;, Guam MIS &lt;mis@guamlegislature.org&gt;

Bcc: mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairiki <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <Chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, Manuel Cruz <cruzma812@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>, "Mayors' Council of Guam - Admin." <mcogadmin@teleguam.net>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayor@yahoo.com, agatvice.chrisfejeran@yahoo.com, "Mayor Frankie A. Salas" <asanmainamayor@gmail.com>, June Blas <mayorbarrigada@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, "Vice Mayor Peter John S. Benavente" <onedededo@gmail.com>, hagatnamayor@hotmail.com, Mayor Anthony Chargualaf <inalahanmayor@gmail.com>, Allan Ungacta <mayorallan.ungacta@yahoo.com>, Vice Mayor Kevin AN Delgado <mangilao.vicemayor@gmail.com>, mayorerneestc@yahoo.com, mtmmayorpaco17@gmail.com, Jesse Alig <jesse.alig@pitiguam.com>, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Mayor Taitague <talofomayor@gmail.com>, "Mayor Louise C. Rivera" <Mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Albert M. Toves" <atoves.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Mayor Anthony P. Sanchez" <ymayortony@gmail.com>, "Vice Mayor Loreto V. Leones" [REDACTED]@gmail.com, "Mayor Bill A. Quenga" <yonamayor2020@gmail.com>, jolene@postguam.com, Phil Leon Guerrero <phil@postguam.com>, [REDACTED]@gmail.com, gerry@spbgum.com, Damen Borja <damen@spbgum.com>, [REDACTED]@gmail.com, jsantotoma@guampdn.com, [REDACTED]@gmail.com

April 4, 2022

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson  
Committee on Health, Land, Justice and Culture



Subject: **SECOND NOTICE of Virtual Public Hearing - Wednesday, April 6, 2022, beginning at 9:00 a.m.**

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Therese Terlaje at the Guam Congress Bldg; 163 Chalan Santo Papa, Hagåtña, Guam.

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We look forward to your participation!

*Si Yu'os Ma'åse'!*

## Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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### 5 attachments



**SECOND NOTICE OF VIRTUAL PUBLIC HEARING- APRIL 6, 2022\_TMT.pdf**  
435K



**Bill No. 244-36 (LS)-2.pdf**  
1632K



**Bill No. 242-36 (LS)-2.pdf**  
982K



**Bill No. 243-36 (LS)-4.pdf**  
1712K



**APPOINTMENT PACKET- EARL GARRIDO, CLTC.pdf**  
1574K



# Office of the Speaker **THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

April 4, 2022

## MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson *TMT*  
Committee on Health, Land, Justice and Culture

Subject: **SECOND NOTICE of Virtual Public Hearing** - Wednesday, April 6, 2022, beginning at 9:00 a.m.

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Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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2 messages

April 4, 2022

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To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson  
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# Office of the Speaker

## THERESE M. TERLAJE

*I Mina'trentai Sais na Liheslaturan Guåhan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

April 4, 2022

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**SPEAKER THERESE M. TERLAJE**  
*Committee on Health, Land, Justice & Culture*  
*I Mina 'tertai Sais na Liheslaturan Guåhan*

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- Bill No. 243-36 (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. Duenas / Sabina F. Perez - AN ACT TO AMEND §25.10(a), §25.15(a)(4)-(7), §25.20(a)(4)-(7), §25.25(a)(3), AND §25.30(a)(2), ALL OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING "CONSENT," REVISING THE LANGUAGE OF "MENTALLY DEFECTIVE" TO "MENTALLY IMPAIRED," AND EXPANDING THE DEFINITION OF "MENTAL INCAPACITATION" AND "PHYSICALLY HELPLESS."
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**2:00 PM**

- APPOINTMENT HEARING:** Appointment of Earl J. Garrido to serve as a Member of the CHamoru Land Trust Commission, for a term of three (3) Years; April 11, 2021, to April 10, 2024, to fill term of Austin Duenas whose term has expired.

**3:00 PM**

- INFORMATIONAL HEARING:** on existing laws and agency regulatory, permitting, and environmental guidelines relative to mineral extraction on Guam.

Please contact (671) 472-3586 or [senatorterlaje@guam.com](mailto:senatorterlaje@guam.com) by **TUESDAY, APRIL 5, 2022**, to register to provide virtual testimony. Written testimony may also be submitted via email or to the Office of Speaker Therese Terlaje at the Guam Congress Bldg. 163 Chalan Santo Papa, Hagåtña, Guam. All hearings will be broadcast on G1A TV Channel 21, Docomo Channel 117/112.4, and Guam Legislature Media on YouTube and will be available on the Guam Legislature Media YouTube Channel after the hearings. In compliance with the Americans with Disabilities Act, Individuals in need of assistance or accommodations should also contact the Office of Speaker Therese M. Terlaje. This Ad was paid with Legislature Funds

**YOU'LL BE MISSED**  
**JEFFREY**

**Buenas Bingo will be CLOSED on**  
**MONDAY APRIL 04, 2022**

**in Observance and Respect, Honoring**  
**the funeral of Jeffrey Wheaton.**

All staff will be in attendance. Thank you for understanding.

**BUENAS BINGO**  
 Harmon Industrial Park, Genghis Khan Building

**"The Rental Assistance Program hepled us stay solvent during the Pandemic and helped us keep the Tenants in place. We're thankful for Congressman San Nicolas for advocating for these funds on our behalf in Washington D.C."**

**- Dennis Polli**  
 Property Manager, Nimitz Hill Towers

**"THANK YOU FOR THE FEDERAL FUNDS!"**

**PAID FOR WITH OFFICIAL FUNDS FROM THE OFFICE OF CONGRESSMAN MICHAEL F.Q SAN NICOLAS.**

**THE OFFICE OF CONGRESSMAN**  
**MICHAEL F.Q. SAN NICOLAS**  
*Working Hard for the People of Guam*

Phone: 671-475-6453 (GUAM)  
 Email: [michael.sannicolas@mail.house.gov](mailto:michael.sannicolas@mail.house.gov)



Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM**

1 message

**Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>  
To: Jayne Therese Flores <jayne.flores@guam.gov>

Thu, Mar 31, 2022 at 3:36 PM

March 31, 2022

**Transmitted via Electronic Mail;**

Jayne Flores  
Director, Bureau of Women's Affairs  
Administrator, Governor's Community Outreach  
[jayne.flores@guam.gov](mailto:jayne.flores@guam.gov)

**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM*Hafa Adai* Director Flores,

The Committee on Health, Land, Justice, and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on **Wednesday, April 6, 2022, beginning at 9:00 a.m.,** for the following agenda items:

**9:00 AM:**

- **Bill No. 242-36 (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 - AN ACT TO ADD A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.

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**Clynton E. Ridgell / Joe S. San Agustin / Christopher M. Dueñas / Sabina F. Perez - 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."**

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*Si Yu'os Ma'åse',*

Speaker Therese M. Terlaje  
Chairperson

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS), Bill No. 244-36(LS)

**Office of Speaker Therese M. Terlaje**  
**Committee on Health, Land, Justice and Culture**

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**4 attachments**



**Bill No. 242-36 (LS).pdf**  
982K



**Bill No. 244-36 (LS).pdf**  
1632K



**Bill No. 243-36 (LS).pdf**  
1712K



**Invitation to BWA - Virtual Public Hearing on Bill No. 242-36(LS), Bill No. 243-36(LS), and Bill No. 244-36(LS)- Wednesday, April 6, 2022.pdf**  
481K





Office of the Speaker  
**THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

March 31, 2022

**Transmitted via Electronic Mail:**

Jayne Flores  
Director, Bureau of Women's Affairs  
Administrator, Governor's Community Outreach  
[jayne.flores@guam.gov](mailto:jayne.flores@guam.gov)

**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM

*Hafa Adai* Director Flores,

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Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

*\*For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*

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*Si Yu'os Ma'åse',*



Speaker Therese M. Terlaje  
Chairperson

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS), Bill No. 244-36(LS)





Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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**Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM**1 message

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**Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Thu, Mar 31, 2022 at 3:42 PM

To: Theresa Arriola &lt;theresa.arriola@gbhwc.guam.gov&gt;

Cc: healing.hearts@gbhwc.guam.gov

March 31, 2022

**Transmitted via Electronic Mail;**

Theresa Arriola, Director  
Guam Behavioral Health and Wellness Center  
Healing Hearts Crisis Center  
[theresa.arriola@gbhwc.guam.gov](mailto:theresa.arriola@gbhwc.guam.gov)

**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM*Hafa Adai* Director Arriola,

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*Si Yu'os Ma'åse',*

Speaker Therese M. Terlaje  
Chairperson





Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS), Bill No. 244-36(LS)

**Office of Speaker Therese M. Terlaje**  
Committee on Health, Land, Justice and Culture  
*I Mina'trentai Sais na Liheslaturan Guåhan*  
36th Guam Legislature  
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910  
T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)  
website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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#### 4 attachments

-  **Invitation to GBHWC Healing Hearts Crisis Center - Virtual Public Hearing on Bill No. 242-36(LS), Bill No. 243-36(LS), and Bill No. 244-36(LS)- Wednesday, April 6, 2022.pdf**  
473K
-  **Bill No. 244-36 (LS).pdf**  
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-  **Bill No. 242-36 (LS).pdf**  
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-  **Bill No. 243-36 (LS).pdf**  
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Office of the Speaker  
**THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

March 31, 2022

**Transmitted via Electronic Mail:**

Theresa Arriola, Director  
Guam Behavioral Health and Wellness Center  
Healing Hearts Crisis Center  
[theresa.arriola@gbhwc.guam.gov](mailto:theresa.arriola@gbhwc.guam.gov)

**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM

*Hafa Adai* Director Arriola,

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Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910  
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

*\*For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,  
please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*

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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.”

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*Si Yu’os Ma’åse’,*



Speaker Therese M. Terlaje  
Chairperson

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS), Bill No. 244-36(LS)



Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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**Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM**1 message

---

**Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Thu, Mar 31, 2022 at 3:20 PM

To: Leevin Camacho &lt;lcamacho@oagguam.org&gt;

Cc: "Stephanie E. Mendiola" &lt;smendiola@oagguam.org&gt;, Camarine Ann Hopkins &lt;camhopkins@oagguam.org&gt;

March 31, 2022

**Transmitted via Electronic Mail;**

Honorable Leevin Taitano Camacho

Attorney General of Guam

[lcamacho@oagguam.org](mailto:lcamacho@oagguam.org)**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM*Hafa Adai* Attorney General Camacho,

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*Si Yu'os Ma'åse',*

Speaker Therese M. Terlaje  
Chairperson

cc: Deputy Attorney General Stephanie Mendiola, General Counsel

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS) , Bill No. 244-36(LS)

**Office of Speaker Therese M. Terlaje**  
Committee on Health, Land, Justice and Culture

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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**4 attachments**

 **Invitation to OAG - Virtual Public Hearing on Bill No. 242-36(LS), Bill No. 243-36(LS), and Bill No. 244-36(LS)- Wednesday, April 6, 2022.pdf**  
467K

 **Bill No. 242-36 (LS).pdf**  
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# Office of the Speaker **THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

March 31, 2022

**Transmitted via Electronic Mail:**

Honorable Leevin Taitano Camacho

Attorney General of Guam

[lcamacho@oagguam.org](mailto:lcamacho@oagguam.org)

**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM

*Hafa Adai* Attorney General Camacho,

The Committee on Health, Land, Justice, and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on **Wednesday, April 6, 2022, beginning at 9:00 a.m.** for the following agenda items:

**9:00 AM:**

- **Bill No. 242-36 (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 - AN ACT TO ADD A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.

**10:00 AM:**

- **Bill No. 243-36 (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 AMEND §25.10(a), §25.15(a)(4)-(7), §25.20(a)(4)-(7), §25.25(a)(3), AND §25.30(a)(2), ALL OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING "CONSENT," REVISING THE LANGUAGE OF "MENTALLY DEFECTIVE" TO "MENTALLY IMPAIRED," AND EXPANDING THE DEFINITION OF "MENTAL INCAPACITATION" AND "PHYSICALLY HELPLESS."

- **Bill No. 244-36 (LS)** - 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 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."

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

*\*For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*

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*Si Yu'os Ma'åse',*



Speaker Therese M. Terlaje  
Chairperson

cc: Deputy Attorney General Stephanie Mendiola, General Counsel

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS) , Bill No. 244-36(LS)



Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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**Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM**1 message

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**Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>  
To: Stephen Hattori <sphattori@guampdsc.org>

Thu, Mar 31, 2022 at 3:48 PM

March 31, 2022

**Transmitted via Electronic Mail;**Stephen Hattori, Director  
Guam Public Defender Service Corporation  
[sphattori@guampdsc.org](mailto:sphattori@guampdsc.org)**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM*Hafa Adai* Director Hattori,The Committee on Health, Land, Justice, and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on **Wednesday, April 6, 2022, beginning at 9:00 a.m.,** for the following agenda items:**9:00 AM:**

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*Si Yu'os Ma'åse',*

Speaker Therese M. Terlaje  
Chairperson

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS), Bill No. 244-36(LS)

**Office of Speaker Therese M. Terlaje**  
Committee on Health, Land, Justice and Culture

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**4 attachments**



**Bill No. 242-36 (LS).pdf**  
982K



**Bill No. 244-36 (LS).pdf**  
1632K



**Bill No. 243-36 (LS).pdf**  
1712K



**Invitation to PDSC - Virtual Public Hearing on Bill No. 242-36(LS), Bill No. 243-36(LS), and Bill No. 244-36(LS)- Wednesday, April 6, 2022.pdf**  
472K



Office of the Speaker  
**THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

March 31, 2022

**Transmitted via Electronic Mail:**

Stephen Hattori, Director  
Guam Public Defender Service Corporation  
[sphattori@guampdsc.org](mailto:sphattori@guampdsc.org)

**SUBJECT:** Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM

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Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910  
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

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*Si Yu'os Ma'åse',*



Speaker Therese M. Terlaje  
Chairperson

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS), Bill No. 244-36(LS)





Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to Virtual Public Hearing- Wednesday, April 6, 2022, at 9:00 AM**

1 message

**Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Thu, Mar 31, 2022 at 1:10 PM

To: vawpp@triton.uog.edu, socialworkstudentalliance@gmail.com, isa@triton.uog.edu, Varoguam1@yahoo.com, alee@cssguam.org, Kiana Yabut [REDACTED]@gmail.com&gt;, info@guamcoalition.org

March 31, 2022

**Transmitted via Electronic Mail;**

Violence Against Women Prevention Program  
University of Guam  
vawpp@triton.uog.edu

Social Work Student Alliance  
University of Guam  
socialworkstudentalliance@gmail.com

Isa Psychological Services Center  
University of Guam  
isa@triton.uog.edu

Victim Advocates Reaching Out  
Varoguam1@yahoo.com

Alee Shelter  
Catholic Social Services  
alee@cssguam.org

Famalao'an Rights  
[REDACTED]@gmail.com

Guam Coalition Against Sexual Assault & Family Violence  
info@guamcoalition.org

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Speaker Therese M. Terlaje  
Chairperson

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## Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

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### 4 attachments



**Invitation to Virtual Public Hearing - Wednesday, April 6, 2022 on Bill No. 242-36(LS), Bill No. 243-36(LS), and Bill No. 244-36(LS).pdf**

1038K



**Bill No. 244-36 (LS).pdf**  
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# Office of the Speaker **THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

March 31, 2022

**Transmitted via Electronic Mail:**

Violence Against Women Prevention Program  
University of Guam  
[vawpp@triton.uog.edu](mailto:vawpp@triton.uog.edu)

Isa Psychological Services Center  
University of Guam  
[isa@triton.uog.edu](mailto:isa@triton.uog.edu)

Alee Shelter  
Catholic Social Services  
[alee@cssguam.org](mailto:alee@cssguam.org)

Guam Coalition Against Sexual Assault & Family Violence  
[info@guamcoalition.org](mailto:info@guamcoalition.org)

Social Work Student Alliance  
University of Guam  
[socialworkstudentalliance@gmail.com](mailto:socialworkstudentalliance@gmail.com)

Victim Advocates Reaching Out  
[Varoguam1@yahoo.com](mailto:Varoguam1@yahoo.com)

Famalao'an Rights  
[REDACTED]@gmail.com

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Speaker Therese M. Terlaje  
Chairperson

Attachment: Copy of Bill No. 242-36 (LS), Bill No. 243-36(LS) , Bill No. 244-36(LS)





# Office of the Speaker **THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

## **VIRTUAL PUBLIC HEARING**

Wednesday, April 6, 2022, beginning at 9:00 a.m

### **AGENDA**

#### **9:00 AM:**

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#### **3:00 PM**

- **INFORMATIONAL HEARING:** on existing laws and agency regulatory, permitting, and environmental guidelines relative to mineral extraction on Guam.

All hearings will be broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and Guam Legislature Media on YouTube and will be available on the Guam Legislature Media YouTube Channel after the hearings. In compliance with the Americans with Disabilities Act, Individuals in need of assistance or accommodations should also contact the Office of Speaker Therese M. Terlaje.

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature**  
**Office of Speaker Therese M. Terlaje**

Committee on Health, Land, Justice and Culture

**Date:** **Wednesday, April 06, 2022**

**Time:** **9:00 AM**

Bill No. 242-36 (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- AN ACT TO ADD A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Jayne Flores, Director, Bureau of Women's Affairs				X	X		
2	Christine Tenorio, Attorney					X		
3	Sharon Davis, GTA Representative					X		
4	Shannon Taitano, Chief Deputy Attorney General, Office of the Attorney General				X	X		
5								
6								
7								
8								
9								
10								
					Page 1 of 1			





## BUREAU OF WOMEN'S AFFAIRS

LOURDES A. LEON GUERRERO  
*Governor of Guam*

JOSHUA F. TENORIO  
*Lieutenant Governor of Guam*

JAYNE T. FLORES  
*Director*

April 6, 2022

Honorable Speaker Therese M. Terlaje  
Chairperson, Committee on Health, Land, Justice and Culture  
*I Mina'trentai Sais na Liheslaturan Guåhan*  
36th Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa, Hagåtña, Guam 96910  
Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

Re: Testimony in SUPPORT of Bill 242-36

Hafa Adai Speaker Terlaje and Committee Members,

Si Yu'os Ma'ase for the opportunity to testify in favor of **Bill 242-36, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.**

According to the Guam Police Department's Domestic Assault Response Team, or DART, in 2021, GPD responded to 1,226 cases of family violence – a 19% increase over the 1,030 cases reported to GPD in 2020.

To say that we have a problem with family violence on our island is an understatement. The Guam Coalition Against Sexual Assault and Domestic Violence notes that our rates are among the highest in the nation. We know that victims of domestic or family violence are often financially at the mercy of the perpetrator. Which is why Bill 242-36 is so important. This piece of legislation allows documented victims of family violence to be released or transferred from a wireless plan that they may share with the perpetrator.

This legislation is especially important when you consider that a shared phone plan is yet another way for a family violence perpetrator to be able to control their victim(s), because the account holder of the plan can monitor any and all phone calls made by persons under the plan. This ability to monitor the phone activity of a wireless plan can in effect prevent victims of family violence from reaching out for help. It can actually put a victim of family violence in more danger, if the perpetrator “accuses” the

victim of calling someone the perpetrator deems “inappropriate” for the victim to be communicating with.

GPD reported that in 2021, 71% - an overwhelming majority of reported cases of family violence victims - were female. The Bureau of Women’s Affairs considers this legislation an important component in helping to protect women from the scourge of family violence on our island.

Si Yu’os Ma’ase for the opportunity to testify in favor of Bill 242-36.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jayne Flores".

Jayne Flores  
Director, Bureau of Women’s Affairs  
Administrator, Governor’s Community Outreach Federal Programs Office



*I Mina'trentai Tres na Kongresson Manhoben Guåhan*  
33<sup>rd</sup> Guam Youth Congress

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Stephanie F. L. Lorenzo  
SPEAKER

April 6, 2022

**Transmitted via Electronic Mail**

**The Honorable Therese M. Terlaje**

Speaker, 36<sup>th</sup> Guam Legislature  
Committee on Health, Land, Justice and Culture  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**Re: Favorable Testimony – Bill No. 242-36 (LS) through Bill No. 244-36 (LS)**

Dear Speaker Terlaje and Members of the Committee,

*Buenas yan Håfa Adai!* My name is Stephanie Lorenzo, and I am here in my capacity as Speaker of the 33<sup>rd</sup> Guam Youth Congress here to testify in full support of Bill Nos. 242-36 (LS) through 244-36 (LS).

The trio of bills aims to support, encourage, and empower victims of sexual violence by providing them with protections and provisions that will aid in their road to recovery and independence.

Bill 242 will assist victims by authorizing the Court to issue an order requiring separation of wireless telecommunications service and to transfer billing authority and all rights to the petitioner who has been granted an order of protection. This is critical as many victims are dependent on their abusers and in some cases, abusers are known monitor their victims phone records via the monthly statement.

Bill 243 aims to clarify existing issues in the law where intoxication falls short of complete unconsciousness and victims who voluntarily consume intoxicating substances are not considered mentally incapacitated, regardless of the inability to understand the sexual act that follows. This is critical as GuamLaw currently does not protect an individual who voluntary consumes an intoxicating substance. A sexual assault occurs where a victim's intoxication impairs cognitive and/or physical functions to such the extent that it prevents their ability to consent.





*I Mina'trentai Tres na Kongresson Manhoben Guåhan*  
33<sup>rd</sup> Guam Youth Congress

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Stephanie F. L. Lorenzo  
SPEAKER

Lastly, Bill No. 244 aims to ensure that support systems and resources are in place for individuals who have experienced the tremendous trauma of sexual assault. This gives the victim a voice and power on how they would like to move forward following their assault, the provisions outlined in the bill not only gives victims the right to participate in the investigation, the right for their allegation to be taken seriously but it also gives notice of when their rape kits will be tested which is especially important as many survivors can go months without knowing the status of their case. While these are only a few provisions it goes to show how if implemented this bill will allow for a standardized practice of care for all victims.

This bill also aims to further a victim's knowledge about the course of action they can take through ensuring that the victim is aware of what they have available to them. In closing, the measure will allow local law to stand behind survivors of sexual assaults by giving them a new set of rights to use in court.

Thank you, Madam Speaker, for the opportunity I just want to note that the Youth Congress did reach out to the Sponsor's office for her consideration to add the Guam Department of Education, the Guam Community College, and the University of Guam to be included in the notice of rights. Seeing as nurses are mandated reporters and this will educate our youth of their rights if they have ever experienced sexual violence.

Thank you very much for your attention to this matter. *Si Yu'os Ma'åse'.*

Sincerely,

/s/

**Stephanie F.L Lorenzo**  
Speaker, 33<sup>rd</sup> Guam Youth Congress







## Office of the Attorney General of Guam

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Hon. Leevin Taitano Camacho  
Attorney General of Guam

April 6, 2022

### VIA EMAIL

[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

**The Honorable Therese M. Terlaje**  
Chairperson, Committee on Justice  
*I Mina'trentai Sais na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

### **Re: Testimony on Bill No. 242-36 (LS)**

Håfa Adai Speaker Terlaje and Members of this Committee:

Thank you for the opportunity to present testimony on Bill 242-36. We are still reviewing this bill as well as other bills set for public hearing today, but wanted to let the Committee know that we support this bill which will make it easier for victims of family violence to seek independence from an abuser while maintaining consistent phone service.

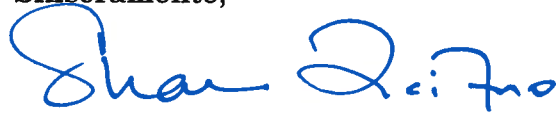
The only area of concern we have is how a victim could receive this relief outside of the protective order process. As currently proposed, a victim who does not file a petition for a protective order is required to produce documents showing abuse to telecommunications service providers in order to opt-out of a shared wireless plan. A victim of family violence may be reluctant to share police reports or details of their abuse with a telecommunication service provider, even if the bill makes this information confidential.

If the intention of Section 3 was to permit courts sitting in criminal jurisdiction to grant this type of relief, one suggestion could be to expand the authority of courts to grant victims of domestic violence control over their wireless service provider in Section 1 to include criminal actions brought pursuant to Title 7, Chapter 40, as well as criminal cases brought pursuant to Title 9, Chapter 30.

If the bill proceeds as proposed, we offer two additional suggestions. The first would be to allow certain individuals such as an attorney or victim advocate to submit the opt-out request to the wireless service provider, along with any required documentation. The second is that a declaration made under penalty of perjury may achieve the same purpose as a signed affidavit without additional barriers, such as a notary requirement.

*Dangkulo na Si Yu'os ma'ase'* for your time and consideration.

Sinseramente,



**SHANNON J. TAITANO**  
Chief Deputy Attorney General

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**CHAPTER 30**  
**FAMILY VIOLENCE**

- § 30.10. Definitions.
- § 30.20. Family Violence.
- § 30.21. Conditions of Release.
- § 30.30. Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor; Required Report.
- § 30.31. Mandatory Confinement.
- § 30.32. Duties of Peace Officers to Victim of Family Violence; Required Notice to Victim.
- § 30.33. Limitations of Liability.
- § 30.40. Violation of a Court Order.
- § 30.50. Authority of Peace Officer to Seize Weapons.
- § 30.60. Disclosure of Family Violence Shelter.
- § 30.70. Spousal Privileges Inapplicable in Criminal Proceedings Involving Family Violence.
- § 30.80. Deferred Guilty Plea for Family Violence.
- § 30.80.1. Deferred Plea Eligibility.
- § 30.80.2. Deferred Guilty Plea Hearing.
- § 30.80.3. Enforcement of a Deferred Plea Proceedings; Dismissal.
- § 30.80.4. Use of Arrest Record Following Successful Completion of Deferred Plea Agreement.
- § 30.80.5. Counseling and Education Programs.
- § 30.90. Training course for Handling Family Violence Complaints.
- § 30.100. Maintenance of Systematic Records.
- § 30.200. Family Violence Registry: Central Database of Offenders Who Have Committed Offenses Involving Family Violence, to be Known and Cited as the “Family Violence Registry Act.
- § 30.300. Interfering with the Reporting of Family Violence.

**§ 30.10. Definitions.**

As used in this Chapter:

(a) Family violence means the occurrence of one (1) or more of the following acts by a family or household member, but does not include acts of self-defense or defense of others:

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(1) Attempting to cause or causing bodily injury to another family or household member;

(2) placing another family or household member in reasonable fear of imminent bodily injury; or

(3) Knowingly or intentionally, against the will of another, impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the throat or neck or by blocking the nose or mouth of a family or household member.

(b) Family or household members include:

(1) Adults or minors who are current or former spouses;

(2) Adults or minors who live together or who have lived together;

(3) Adults or minors who are dating or who have dated;

(4) Adults or minors who are engaged in or who have engaged in a sexual relationship;

(5) Adults or minors who are related by blood or adoption to the fourth degree of affinity;

(6) Adults or minors who are related or formerly related by marriage;

(7) Persons who have a child in common; and

(8) Minor children of a person in a relationship described in paragraphs (1) through (7) above.

(c) Bodily injury as used in this Chapter, has the same meaning as that provided in subsection (b) of § 16.10 of this title;

(d) Attempt as used in this Chapter, has the same meaning as that provided in § 13.10 of this title;

(e) Peace officer means any person so defined in 8 GCA § 5.55;

(f) Victim means any natural person against whom a crime, as defined under the laws of Guam, has been committed or attempted to be committed;

(g) Witness means any natural person,



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(1) having knowledge of the existence or nonexistence of facts relating to any crime, or

(2) whose declaration under oath is received or has been received as evidence for any purpose, or

(3) who has reported any crime to any peace officer, or

(4) who has been served with a subpoena issued under the authority of any court in Guam, or

(5) who would be believed by any reasonable person to be an individual described in subparagraphs (1) through (4), above, inclusive;

(h) Prosecuting attorney as used in this Chapter means the Attorney General of Guam and those persons employed by the Attorney General's office specifically designated by the Attorney General.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Subitem (a)(3) added by P.L. 33-205:2 (Dec. 15, 2016). Subitem (a)(2) was struck down in *People v. Shimizu*, 2017 Guam 11, and amended by P.L. 34-062:2 (Nov. 9, 2017).

**2017 NOTE:** The Supreme Court of Guam struck down subsection (a)(2), holding it was “facially invalid because it is unconstitutionally vague.” *People v. Shimizu*, 2017 Guam 11. Prior to being found invalid, subsection (a)(2) stated: “Placing a family or household member in fear of bodily injury.”

**2013 NOTE:** Numbers and/or letters in subsection (g) were altered to adhere to the Compiler’s alpha-numeric scheme in accordance to 1 GCA § 1606.

**§ 30.20. Family Violence.**

(a) Any person who intentionally, knowingly, or recklessly commits an act of family violence, as defined in § 30.10 of this Chapter, is guilty of a misdemeanor, or of a third degree felony, and shall be sentenced as follows:

(1) for the first offense, the court shall impose a sentence of no less than forty-eight (48) hours imprisonment;

(2) for the second offense, the court shall impose a sentence of no less than thirty (30) days imprisonment; and

(3) for the third offense, the offense shall be classified as a third degree felony and the court shall impose a sentence of no less than one (1) year imprisonment. The person, upon conviction, shall be termed a “repeat offender” and may be subject to extended terms pursuant to § 80.38 of Article 2, Chapter 80 of this Title.

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(b) Upon a written, noticed motion prior to commencement of trial, the defendant may move that a felony charge filed pursuant to this § 30.20, other than a felony charge filed pursuant to § 30.20(a)(3), be reduced to a misdemeanor. Whether any charge, other than a felony charge filed pursuant to § 30.20(a)(3), shall proceed as a misdemeanor or a felony rests within the discretion of the court.

(c) In determining whether a felony charge filed pursuant to this § 30.20, other than a felony charge filed pursuant to § 30.20(a)(3), should be reduced to a misdemeanor, the court shall consider the following factors, among others:

- (1) the extent or seriousness of the victim's injuries;
- (2) the defendant's history of violence against the same victim whether charged or uncharged;
- (3) the use of a gun or other weapon by the defendant;
- (4) the defendant's prior criminal history;
- (5) the victim's attitude and conduct regarding the incident;
- (6) the involvement of alcohol or other substance, and the defendant's history of substance abuse as reflected in the defendant's criminal history and other sources; and
- (7) the defendant's history of and amenability to counseling.

(d) If the court, after a hearing, finds substantial evidence that a victim suffered serious bodily injury, as defined in Subsection (c) of § 16.10, Chapter 16 of this Title, no felony charged filed under this § 30.20 shall be reduced to a misdemeanor unless the court finds that due to unusual circumstances a reduction of the charge is manifestly in the interest of justice.

(e) The fact that an alleged criminal act involved family violence, as defined in § 30.10 of this Chapter, shall not preclude the prosecuting attorney from charging and prosecuting the defendant for any other violations of law, subject to the provisions set forth in § 1.22 of Article 1, Chapter 1 of this Title;

(f) In any case in which a person is convicted of violating this § 30.20 and probation is granted, the court shall require participation in an education and treatment program as a condition of probation unless, considering all the

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facts and the circumstances, the court finds participation in an education and treatment program inappropriate for the defendant.

(g) If probation is granted, or the imposition of a sentence is suspended, for any person convicted under Subsection (a) of this § 30.20 who previously has been convicted under such Subsection (a) for an offense that occurred within seven (7) years of the offense of the second conviction, it shall be a condition of such probation or suspended sentence that he or she be punished by imprisonment for not less than thirty (30) days, and that he or she participate in, for no less than one (1) year, and successfully complete an education and treatment program, as designated by the court

(h) Probation shall not be granted for any person convicted under Subsection (a) of this § 30.20 who previously has been convicted of two (2) or more violations of such Subsection (a) for offenses that occurred within seven (7) years of the most recent conviction. The person shall be sentenced to imprisonment for not less than one (1) year, and shall participate in, for no less than one (1) year, and successfully complete an education and treatment program, as designated by the court.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Amended by P.L. 32-017:1 (Apr. 11, 2013).

**§ 30.21. Conditions of Release.**

(a) Should a person, charged with a crime involving family violence or a violation of a court order, be released, the court may impose the following conditions of release:

(1) an order enjoining the person from threatening to commit or committing acts of family violence against the alleged victim or other family or household member;

(2) an order prohibiting the person from harassing, annoying, telephoning, contacting or otherwise communicating with the alleged victim, either directly or indirectly;

(3) an order directing the person to vacate the residence;

(4) an order directing the person to stay away from the alleged victim and any other family or household member, the residence, school, place of employment, or any other specified place frequented by the alleged victim or any other family or household member;

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(5) an order prohibiting the person from using or possessing a firearm or other weapon specified by the court;

(6) an order prohibiting the person from possession or consumption of alcohol or controlled substances;

(7) an order granting the alleged victim possession and use of the automobile and other essential personal effects;

(8) an order requiring electronic monitoring, electronic monitoring of home arrest, or electronic monitoring that is capable of notifying an alleged victim if the defendant is at or near a location from which the defendant has been ordered to stay away. The court shall indicate the supervising entity and may order the defendant to pay for the monitoring. The electronic device or the supervising entity, in coordination with the Office of the Attorney General, should immediately notify the alleged victim and law enforcement officials if a stay away order is violated;

(9) any other order required to protect the safety of the alleged victim and to ensure the appearance of the person in court.

(b) If conditions of release are imposed, the Court shall:

(1) issue a written order for conditional release; and

(2) immediately distribute a copy of the order to the Guam Police Department and the Office of the Attorney General, Prosecution Division.

(c) The Court shall provide a copy of the conditions to the arrested or charged person and his/her counsel upon his or her release. Failure to provide the person with a copy of the conditions of release does not invalidate the conditions if the arrested or charged person has notice of the conditions.

(d) If conditions of release are imposed without a hearing, the arrested or charged person may request a prompt hearing before the Court to review the conditions. Upon such a request, the Court shall hold a prompt hearing to review the conditions.

(e) When a person who is arrested for or charged with a crime involving family violence or a violation of a court order is released from custody, the Office of the Attorney General shall:



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(1) use all reasonable means to immediately notify the victim of the alleged crime of the release; and

(2) furnish the victim of the alleged crime, at no cost, a certified copy of any conditions of release.

**SOURCE:** Added by P.L. 24-239:9 (Aug. 14, 1998) as part of *The Family Violence Act of 1998*. Subsection (a) amended by P.L. 34-071:2 (Dec. 15, 2017) (amendments effective 6 months after enactment).

**§ 30.30. Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor; Required Report.**

(a) If a peace officer has reasonable cause to believe that a person has committed a felony or misdemeanor involving family violence, the peace officer shall presume that arresting and charging the person is the appropriate response.

(b) If a peace officer receives complaints of family violence from two (2) or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one (1) person was the primary aggressor, the officer need not arrest the other person believed to have committed family violence but the peace officer shall document to the best of his or her ability the evidence concerning the actions of each participant in the incident.

(c) In determining whether a person is the primary aggressor the officer shall consider:

- (1) Prior complaints of family violence;
- (2) The relative severity of the injuries inflicted on each person;
- (3) The likelihood of future injury to each person;
- (4) Whether one of the persons acted in self-defense;
- (5) The use or threatened use of a weapon; and
- (6) The use or threatened use of physical force.

(d) A peace officer shall not:

(1) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by peace officers by any party; or,

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(2) Base the decision to arrest or not to arrest on:

(A) The specific consent or request of the victim; or,

(B) The officer's perception of the willingness of a victim of or witness to the family violence to testify or otherwise participate in a judicial proceeding.

(e) In addition to any other report required, a peace officer who does not make an arrest after investigating a complaint of family violence or who arrests two (2) or more persons for a crime involving family violence must submit a written report setting forth the grounds for not arresting or for arresting both parties.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994).

**2013 NOTE:** Numbers and/or letters were altered in subsection (d)(2) to adhere to the Compiler's alpha-numeric scheme in accordance to 1 GCA § 1606.

**§ 30.31. Mandatory Confinement.**

When a peace officer makes an arrest for family violence the arrestee shall be confined until the magistrate's hearing, unless released earlier by the Office of the Attorney General.

**SOURCE:** Added by P.L. 24-239:6 as part of *The Family Violence Act of 1998*.

**§ 30.32. Duties of Peace Officers to Victim of Family Violence; Required Notice to Victim.**

(a) Peace officers shall respond to every request for assistance or protection, from or on behalf of a victim of alleged family violence, whether or not an order has been issued against the alleged abuser.

(b) A high priority shall be assigned to calls involving alleged incidents of abuse or violations of orders relative to family violence. Every law enforcement agency shall develop and implement a comprehensive inter-agency and intra-agency or departmental family violence policy and protocol to include:

(1) the number of children in the family and/or household exposed to family violence; and

(2) referral to Child Protective Services for coordination and referral for assessment for appropriate counseling services.

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(c) If the peace officer has reason to believe that a person is a victim of family violence, the officer shall use all reasonable means to prevent further family violence and to ensure the victim's safety including:

- (1) taking the action necessary to provide for the safety of the victim and any family or household member;
- (2) exercising arrest powers pursuant to this Chapter;
- (3) confiscating any weapon involved in the alleged family violence incident and the firearms identification card of any person(s) arrested;
- (4) promptly filling out and filing a family violence report;
- (5) arranging for transportation for the victim to a safe place or shelter;
- (6) arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries;
- (7) accompanying the victim to a previous residence to remove essential personal belongings;
- (8) supervising the Court-ordered removal of an abuser from a residence shared with a victim; and
- (9) giving the victim immediate and adequate written notice of the rights of victims and of the remedies and services available to victims of family violence.

(d) As part of the notice to the victim, the required written notice shall be given as follows:

“You have the right to request a peace officer's assistance for your safety. You may also request that the peace officer assist you in obtaining your essential personal effects, and arranging transportation to a safe place, including but not limited to a designated meeting place for a shelter, a family member's or a friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining medical treatment. If you would like to speak with a victim's assistance representative, one will be contacted for you.”

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The above paragraph shall be read to all victims of family violence by the responding officer. Furthermore, the written notice shall advise the victim that victim advocates at the Office of the Attorney General are available to provide assistance to all victims, and can provide information about other support services in the community. The advocates' address and current telephone numbers shall be displayed prominently on the written notice.

In addition, a responding officer shall give written notice to every victim of family violence that full legal services are available at no cost from the Guam Legal Services Corporation and from the Public Defender Service Corporation. The addresses and current telephone numbers of both offices shall be displayed prominently on the written notice. Full legal services could include the following orders:

- (1) an order enjoining your abuser from threatening to commit or committing further acts of family violence;
- (2) an order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly;
- (3) an order removing your abuser from your residence;
- (4) an order directing your abuser to stay away from you and any other family or household members, your residence, school, place of employment or any other specified place frequented by you and another family or household member;
- (5) an order prohibiting your abuser from using or possessing any kind of weapon, instrument or thing to inflict bodily harm or injury;
- (6) an order granting you possession and use of the automobile and other essential personal effects;
- (7) an order granting custody of your child or children;
- (8) an order denying your abuser visitation;
- (9) an order specifying arrangements for visitation, including requiring supervised visitation; and
- (10) an order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs and attorney's fees.



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The written notice may be revised from time to time to include contact information for other providers of victim support services, so long as those services are provided at no cost to the victim.

(e) The written notice:

- (1) must not include the addresses of shelters; and
- (2) must be provided in a language the victim can understand.

**SOURCE:** Added by P.L. 24-239:7 as part of *The Family Violence Act of 1998*. Subsection (b) amended by P.L. 32-017:2 (Apr. 11, 2013).

**§ 30.33. Limitations of Liability.**

Law enforcement agencies and peace officers shall not be liable for personal injury or property damage which occurs in the course of any good-faith effort to protect a victim of family violence, including, but not limited to, action taken during the course of an arrest, an attempt to separate two (2) parties or to enforce a Court order, or action taken during the transportation of the victim to a shelter, hospital or other safe place.

**SOURCE:** Added by P.L. 24-239:19 as part of the *Family Violence Act of 1998*.

**§ 30.40. Violation of a Court Order.**

(a) Any knowing violation of any of the following court orders shall be a misdemeanor punishable by imprisonment of no less than forty-eight (48) hours and not more than one (1) year, and by a fine of not more than One Thousand Dollars (\$1,000):

- (1) an order enjoining a person from threatening to commit or committing acts of family violence against, or from harassing, annoying, or molesting, a family or household member, or any person named in the order;
- (2) an order removing or excluding a person from the family dwelling or from the dwelling of another, or from any habitable property, as defined in Subsection (b) of § 34.10, Chapter 34 of this Title;
- (3) an order requiring a person to stay away from the residence, dwelling, school, day care center, place of employment, or any other specified place or from a specified person, within five hundred feet (500') of the specified place or specified person;

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(4) an order prohibiting a person from possessing a firearm or other weapon specified by the court; or

(5) an order in a criminal case prohibiting the defendant from harassing, annoying, telephoning, contacting, or otherwise communicating with a victim or specified witness, either directly or indirectly.

(b) In the event of a conviction for a second violation ~~of~~ under Subsection (a) of this § 30.40, or of a conviction for a violation under Subsection (a) which results in bodily injury, as defined in Subsection (b) of § 16.10, Chapter 16 of this Title, the defendant shall be imprisoned for at least thirty (30) days.

(c) In the event of a conviction for a third violation under Subsection (a) of this § 30.40, or of a conviction for a violation under Subsection (a) of this § 30.40 which results in bodily injury as defined in Subsection (b) § 16.10, Chapter 16 of this Title, after a prior conviction of a violation under Subsection (a) of this § 30.40, occurring within two (2) years of the prior conviction, committed against the same victim or the victim's family, the defendant shall be imprisoned for no less than one (1) year.

(d) When a peace officer has reasonable cause to believe that a person has violated one (1) of the orders of the court specified in Subsection (a) of this § 30.40 and verifies the existence of the order, the peace officer shall presume that arresting and charging the person is the appropriate response.

(e) An admission by the defendant that he or she had knowledge of the court order shall be admissible in court notwithstanding the *corpus delicti* rule.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Amended by P.L. 32-017:3 (Apr. 11, 2013).

**§ 30.50. Authority of Peace Officer to Seize Weapons.**

For a crime involving family violence, a peace officer:

(a) Shall, incident to an arrest, seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.

(b) May seize a weapon that is in the plain view of the officer or was discovered pursuant to consensual search, as necessary for the protection of the officer or other persons.

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**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994).

**§ 30.60. Disclosure of Family Violence Shelter.**

(a) Any person who knowingly publishes, disseminates, or otherwise discloses the location of any family violence shelter or any place designated as a family violence shelter with the intent to harass, annoy, harm, or injure in any way another person, or to thwart or interfere in any manner with the orderly administration or operation of the shelter, is guilty of a misdemeanor.

(b) For purposes of this § 30.60, family violence shelter means a confidential location which provides emergency services on a 24-hour basis for victims of family violence, and their families.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994).

**§ 30.70. Spousal Privileges Inapplicable in Criminal Proceedings Involving Family Violence.**

Notwithstanding any other provision of law, the following evidentiary privileges do not apply in any criminal proceeding in which a spouse or other family or household member is the victim of an alleged crime involving family violence:

- (a) the privilege not to testify against one's spouse;
- (b) the privilege for confidential marital communication; and
- (c) the physician-patient privilege.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Amended by P.L. 24-239:19 as part of the *Family Violence Act of 1998*.

**§ 30.80. Deferred Guilty Plea for Family Violence.**

Upon a proper motion, when a defendant voluntarily pleads guilty, prior to the commencement of trial, to a misdemeanor charge of family violence, as defined in this Chapter, he or she is found eligible for a deferred guilty plea pursuant to § 30.80.1 of this Chapter, and the defendant agrees to participate in education, counseling and/or treatment program(s) as directed by the court, the court may defer criminal proceedings until such a time as may be required for the defendant to complete the education, counseling and/or treatment program(s). Upon the defendant's completion of the period designated by the court and in compliance with the terms and conditions established, the court may discharge the defendant and dismiss the charge against the defendant. Such discharge of the defendant and dismissal of the case shall be without adjudication of guilt and shall eliminate any civil

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admission of guilt and is not a conviction. Offenses dismissed under this Section and/or under a family violence diversion program shall count as prior offenses in the application of minimum sentences under this Chapter.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Repealed and reenacted by P.L. 31-109:3 (Sept. 30, 2011), effective (180) days from date of enactment, pursuant to P.L. 31-109:4. Amended by P.L. 32-017:4 (Apr. 11, 2013)

**§ 30.80.1. Deferred Plea Eligibility.**

Notwithstanding any other provision of law, and upon the determination of the judge, this § 30.80.1 shall apply whenever a case is before the court upon an accusatory pleading for any criminal act against a family or household member as defined in Subsection (b) of § 30.10 of this Chapter.

(a) The following persons are ineligible for the deferred guilty plea for family violence process:

(1) a defendant who has a felony conviction for any offense involving violence within seven (7) years prior to the alleged commission of the charged offense;

(2) a defendant who has participated in a diversion or deferred plea program for family violence, or a similar offense in Guam or another locality;

(3) a defendant who has been sentenced for a violation of § 30.40 of this Chapter within one (1) year prior to the alleged commission of the charged offense; or

(4) a defendant whose current charge involves serious bodily injury as defined in Subsection (c) of § 16.10, Chapter 16 of this Title, or criminal sexual conduct involving sexual penetration as defined in Item (9) of Subsection (a) of § 25.10, Chapter 25 of this Title, unless the court finds that due to unusual circumstances deferral of the criminal proceedings is manifestly in the interest of justice.

(b) The fact that a defendant is not made ineligible by Subsection (a) of this § 30.80.1 does not automatically entitle a defendant to the deferred guilty plea for family violence.

(c) The prosecuting attorney shall determine whether the defendant is ineligible for deferral by reason of any of the factors set forth in

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Subsection (a) of this § 30.80.1. If the prosecutor finds that the person is not ineligible, and will agree to a deferred plea, the prosecutor shall notify the defendant.

(d) If the prosecutor finds that the defendant is ineligible, or if the prosecutor will not agree to a deferral although the defendant is not excluded by reason of Subsection (a) of this § 30.80.1, the prosecutor shall notify the defendant.

(e) Any defendant who is not specifically ineligible for the deferral process pursuant to Subsection (a) of this § 30.80.1 may apply to the court, by noticed motion for an order granting a deferred plea. The prosecuting attorney may oppose this application.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Repealed and reenacted by P.L. 31-109:3 (Sept. 30, 2011) effective (180) days from date of enactment, pursuant to P.L. 31-109:4.

**§ 30.80.2. Deferred Guilty Plea Hearing.**

(a) Upon noticed motion, the court shall hold a hearing and, after consideration of any and all information the court believes to be relevant to its decision, the court shall determine if the defendant consents to further proceedings under this § 30.80.2 and waives his or her right to a speedy trial, and if the defendant should be allowed to enter a deferred guilty plea in the criminal proceedings and referred for education, counseling and/or treatment program(s) directed specifically to the violent conduct of the defendant. The court, in determining the defendant's eligibility for a deferred guilty plea, shall consider the nature and extent of the injury inflicted upon the victim, any prior incidents of family violence by the defendant, and any factors which would adversely influence the likelihood of successful completion of the deferred guilty plea agreement. If the court does not deem the defendant a person who would be benefited by a deferred guilty plea, or if the defendant does not consent to participate, the criminal proceedings shall continue as in any other case. If the court accepts the deferred plea agreement, the court shall make inquiry into the financial condition of the defendant and upon a finding that the defendant is able in whole or part to pay the expense of such counseling the court may order him or her to pay for all or part of such expense.

Nothing in this Subsection shall prohibit the placement of a defendant in another appropriate counseling program if the court determines that there is no available education and/or treatment program.



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(b) At such time that the defendant's plea in a case is deferred, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of him or her shall be exonerated, and the court shall enter an order so directing.

(c) The period during which further criminal proceedings against a person may be deferred pursuant to this Section shall be no less than one (1) year, and no more than three (3) years.

(d) The court shall set forth in writing or state on the record its reason for granting or denying a deferred plea agreement. The court's decision in such a matter shall be final and shall not constitute an appealable order.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Repealed and reenacted by P.L. 31-109:3 (Sept. 30, 2011) effective (180) days from date of enactment, pursuant to P.L. 31-109:4.

**§ 30.80.3. Enforcement of a Deferred Plea Proceedings; Dismissal.**

If it appears to the prosecuting attorney, the court or the probation department that the defendant under § 30.80.1 of this Chapter is performing unsatisfactorily in the assigned program, or that the defendant is not benefiting from education, counseling and/or treatment program(s), or that he or she has been convicted of any offense involving violence, after notice to the defendant, and upon motion by the prosecuting attorney or on the court's own motion, the court shall hold a hearing to determine whether the defendant shall be sentenced accordingly. If the court finds by substantial evidence that the defendant is not performing satisfactorily in the assigned program(s), or that the defendant is not benefiting from the deferral, or the court finds that the defendant has been convicted of a crime as set out above, the criminal case shall be referred back to the court for adjudication. If the defendant has performed satisfactorily during the deferral period, at the end of the period of deferral, the criminal charges shall be dismissed upon motion or application of the defendant.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Repealed and reenacted by P.L. 31-109:3 (Sept. 30, 2011) effective (180) days from date of enactment, pursuant to P.L. 31-109:4.

**§ 30.80.4. Use of Arrest Record Following Successful Completion of Deferred Plea Agreement.**

Any records filed with the Guam Police Department and the Office of the Attorney General, Prosecution Division, shall set out the disposition of those cases for which a deferred guilty plea has been dismissed pursuant to § 30.80.1 of this Chapter. Upon successful completion of a deferred plea

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agreement, the arrest upon which the deferral of plea was based shall be expunged, as provided by Chapter 11 of Title 8, Guam Code Annotated. The defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested, or that his/her plea was deferred for such offense. A record pertaining to an arrest resulting in successful completion of the deferred plea agreement shall not, without the defendant's consent, be used in any way which could result in the denial of any employment, benefit, license, or certificate. Failure to affirm or acknowledge a deferred plea, following successful completion of a deferred plea agreement, on any application for employment, benefit, license, or certificate, or in any affidavit is not perjury or an unsworn falsification.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Repealed and reenacted by P.L. 31-109:3 (Sept. 30, 2011) effective (180) days from date of enactment pursuant to P.L. 31-109:4.

**§ 30.80.5. Counseling and Education Programs.**

(a) If a person is ordered to complete education, counseling and/or treatment program(s) as a result of being in diversion, entering a deferred plea of guilty to family violence, or is adjudged guilty of family violence, he or she shall be ordered to pay a fee to the Superior Court of Guam for such service.

(b) The fee shall be set by order of the Judicial Council.

(c) The fee shall be paid into a revolving fund hereby established and maintained apart from other funds of the Superior Court of Guam.

(1) The Court Administrator of the Superior Court of Guam shall be the certifying officer for the Fund.

(2) The revolving fund shall be expended by the Superior Court of Guam to hire, as independent contractors, licensed individual and family counselors who shall conduct either group sessions or individual sessions for the perpetrators of family violence, victims of family violence, or children who have witnessed family violence, and to purchase supplies and therapeutic curricula materials.

**SOURCE:** Added by P.L. 24-0059:IV:18 (Sept. 12, 1997). Repealed and reenacted by P.L. 31-109:3 (Sept. 30, 2011) effective (180) days from date of enactment pursuant to P.L. 31-109:4.

**2017 NOTE:** Subitem designations added/altered pursuant to the authority of 1 GCA § 1606.

**§ 30.90. Establishment and Requirement of the Domestic Abuse Response Team ('DART').**

(a) The Chief of Police shall establish, as an integral division of the Guam Police Department, the Domestic Abuse Response Team ('DART') unit consisting of peace officers, social workers, victim advocates or other persons who completed the Family Violence Training Program, or specifically trained in counseling, crisis intervention or in the treatment of domestic or family violence victims. Such teams may be dispatched, along with a peace officer, to the scene of a reported incident of domestic or family violence.

(b) The Chief of Police shall establish and maintain a continuation education and training program consistent with the Family Violence Training Program for peace officers and those involved and participating in DART.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994). Repealed/reenacted by P.L. 24-242:2.

**§ 30.100. Maintenance of Systematic Records.**

(a) Law enforcement agencies shall maintain a complete and systematic record of all protection orders with respect to family violence incidents, including orders which have not yet been served, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to family violence calls of the existence, terms, and effective dates of protection orders in effect.

(b) The terms and conditions of the protection under order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court.

(c) Upon request, law enforcement agencies shall serve the court orders specified in § 30.40 of this Chapter upon the party to be restrained at the scene of a family violence incident or at any time the party is in custody.

**SOURCE:** Added by P.L. 22-160:2 (Dec. 30, 1994).

**§ 30.200. Family Violence Registry: Central Database of Offenders Who Have Committed Offenses Involving Family Violence, to be Known and Cited as the "Family Violence Registry Act."**

(a) The Office of the Attorney General, with the mandatory cooperation of law enforcement agencies, shall maintain a computerized registry database

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containing information regarding persons who on two (2) or more occasions have been convicted of a family, domestic or dating violence, and/or stalking offense, provided, however, if the person is convicted of the offense with the special allegation of the use of a deadly weapon, or an additional charge of criminal sexual conduct against a minor, or an additional charge of any sex offenses against a family member, then only one (1) such offense shall be required for his or her listing on the registry database.

(1) Persons listed in the database pursuant to this Subsection (a) shall be cross-referenced for any violation(s) of criminal sexual conduct, and/or aggravated assault conviction(s). Any such offense(s) shall be listed as additional information in the Family Violence Registry database.

(b) The information contained in the Family Violence Registry database is public information, with the exception of the following:

(1) information regarding the person's social security number, driver's license number, or telephone number; or

(2) information that would identify the victim of the offense with respect to which the conviction was made.

(c) The database maintained by the Office of the Attorney General under this Section must contain, to the extent the information is available:

(1) the person's full name, each alias used by the person, and the person's date of birth;

(2) the person's last known address;

(3) a physical description and recent photograph of the person;

(4) a list of offenses for which the person was convicted of two (2) or more cases of domestic, family or dating violence, and/or stalking; the date of conviction for each offense; and the punishment prescribed for each offense; and

(5) an indication as to whether the person was discharged, placed on probation or community supervision, or released on parole or to mandatory supervision following the conviction for each offense.

(d) The Office of the Attorney General shall permit a person whose name is included in the database established under this Section to petition

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the Department to remove the person's name from the Family Violence Registry database in response to the petition if:

(1) a court order of expungement is issued with respect to one (1) of two (2) family, domestic or dating violence, and/or stalking convictions, unless the person has two (2) or more additional convictions, or when the person was convicted of the family, domestic or dating violence, and/or stalking offense with the special allegation of the use of a deadly weapon; or

(2) during the ten (10) year period preceding the date of the petition, the person has not since been convicted of an offense described in § 30.10, Chapter 30, Title 9, Guam Code Annotated. It is further provided, however:

(A) that the Office of the Attorney General shall conduct an investigation to see if any other convictions have occurred under circumstances for which there was a conviction of domestic, family or dating violence, and/or stalking, criminal sexual conduct, aggravated assault, and/or homicide, either on Guam or in any other jurisdiction of the United States.

(B) Any conviction for family, domestic or dating violence, and/or stalking, criminal sexual conduct, aggravated assault or homicide during the prior ten (10) year period shall be cause for the person not to be removed from the Family Violence Registry.

(e) The Office of the Attorney General may promulgate rules and regulations for petitioning for removal from the Family Violence Registry database. On the website through which a person may search the database described by this Section, the Office of the Attorney General shall also include information regarding:

(1) the manner in which a person may petition for removal of the person's name from the database.

(2) The Family Violence Registry database may include information concerning persons convicted of at least one (1) family, domestic or dating violence, and/or stalking offense committed prior to or after the effective date of this Act for which there is a conviction of family, domestic or dating violence, and/or stalking.

**SOURCE:** Added by P.L. 31-103:2 (Sept. 30, 2011).



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**2017 NOTE:** Subitem (d)(2)(A) was altered and a subitem (B) was added pursuant to the authority of 1 GCA § 1606.

**§ 30.300. Interfering with the Reporting of Family Violence.**

(a) Any person commits the crime of interfering with the reporting of family violence if the person:

(1) commits an act of family violence, as defined in § 30.10 of this Chapter; and

(2) intentionally, knowingly, or recklessly prevents or attempts to prevent the victim of or a witness to that act of family violence from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.

(b) Commission of a crime of family violence under Subsection (a) of this Section is a necessary element of the crime of interfering with the reporting of family violence.

(c) Interference with the reporting of family violence is a felony of the third degree.

**SOURCE:** Added by P.L. 33-202:1 (Dec. 15, 2016).

**2017 NOTE:** P.L. 33-202:2 (Dec. 15, 2016) enacted virtually identical language as 9 GCA § 19.81.

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**§ 269-16.93. Release of domestic abuse victims from shared wireless plans**

(a) All wireless telecommunications service providers shall release, without charge, penalty, or fee, any victim of domestic abuse from a shared or family wireless service contract involving the victim's abuser; provided that the victim submits an opt-out request in writing and with evidence of domestic abuse as documented by any of the following items:

(1) Valid police report documenting an instance or series of instances of domestic abuse;

(2) Order for protection granted pursuant to chapter 586; or

(3) Signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of their employment, or social worker.

(b) When a victim of domestic abuse submits an opt-out request to a wireless telecommunications service provider pursuant to subsection (a), the wireless telecommunications service provider shall, within forty-eight hours from the time the opt-out request is submitted to the wireless telecommunications service provider:

(1) Transfer the billing authority and all rights to the wireless telephone number or numbers of a shared wireless plan to the person who has been granted the release pursuant to subsection (a); or

(2) Remove or release the person, who has been granted the release pursuant to subsection (a), from a shared wireless plan and assign a substitute telephone number or numbers, without charge, penalty, or fee.

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

(d) For purposes of this section:

"Domestic abuse" shall have the same meaning as in section 586-1.

"Wireless telecommunications service" shall have the same meaning as "commercial mobile radio service" as defined in title 47 Code of Federal Regulations section 20.3.

"Wireless telecommunications service provider" means a provider of wireless telecommunications service.

**History:**

Amended by L 2016, c 9, §1, eff. 4/21/2016. Added by L 2015, c 219, §2, eff. 7/9/2015.

117TH CONGRESS  
2D SESSION

# S. 120

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## AN ACT

To prevent and respond to the misuse of communications services that facilitates domestic violence and other crimes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Safe Connections Act  
3 of 2022”.

4 **SEC. 2. DEFINITIONS.**

5       Except as otherwise provided in this Act, terms used  
6 in this Act that are defined in section 345(a) of the Com-  
7 munications Act of 1934, as added by section 4 of this  
8 Act, have the meanings given those terms in such section  
9 345(a).

10 **SEC. 3. FINDINGS.**

11       Congress finds the following:

12           (1) Domestic violence, dating violence, stalking,  
13 sexual assault, human trafficking, and related  
14 crimes are life-threatening issues and have lasting  
15 and harmful effects on individuals, families, and en-  
16 tire communities.

17           (2) Survivors often lack meaningful support  
18 and options when establishing independence from an  
19 abuser, including barriers such as financial insecu-  
20 rity and limited access to reliable communications  
21 tools to maintain essential connections with family,  
22 social safety networks, employers, and support serv-  
23 ices.

24           (3) Perpetrators of violence and abuse described  
25 in paragraph (1) increasingly use technological and



1       communications tools to exercise control over, mon-  
2       itor, and abuse their victims.

3           (4) Communications law can play a public in-  
4       terest role in the promotion of safety, life, and prop-  
5       erty with respect to the types of violence and abuse  
6       described in paragraph (1). For example, inde-  
7       pendent access to a wireless phone plan can assist  
8       survivors in establishing security and autonomy.

9           (5) Safeguards within communications services  
10      can serve a role in preventing abuse and narrowing  
11      the digital divide experienced by survivors of abuse.

12   **SEC. 4. PROTECTION OF DOMESTIC VIOLENCE SURVIVORS**  
13                           **WITHIN COMMUNICATIONS SERVICES.**

14      Part I of title III of the Communications Act of 1934  
15   (47 U.S.C. 301 et seq.) is amended by adding at the end  
16   the following:

17   **“SEC. 345. PROTECTION OF SURVIVORS OF DOMESTIC VIO-**  
18                           **LENCE, HUMAN TRAFFICKING, AND RELATED**  
19                           **CRIMES.**

20      “(a) DEFINITIONS.—In this section:

21           “(1) ABUSER.—The term ‘abuser’ means an in-  
22      dividual who has committed or allegedly committed  
23      a covered act against—

24                   “(A) an individual who seeks relief under  
25      subsection (b); or

“(B) an individual in the care of an individual who seeks relief under subsection (b).

“(2) COVERED ACT.—

“(A) IN GENERAL.—The term ‘covered act’ means conduct that constitutes—

“(i) a crime described in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), including domestic violence, dating violence, sexual assault, stalking, and sex trafficking;

“(ii) an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) (relating to severe forms of trafficking in persons and sex trafficking, respectively); or

“(iii) an act under State law, Tribal law, or the Uniform Code of Military Justice that is similar to an offense described in clause (i) or (ii).

“(B) CONVICTION NOT REQUIRED.—Nothing in subparagraph (A) shall be construed to require a criminal conviction or any other determination of a court in order for conduct to constitute a covered act.

1           “(3) COVERED PROVIDER.—The term ‘covered  
2           provider’ means a provider of a private mobile serv-  
3           ice or commercial mobile service, as those terms are  
4           defined in section 332(d).

5           “(4) PRIMARY ACCOUNT HOLDER.—The term  
6           ‘primary account holder’ means an individual who is  
7           a party to a mobile service contract with a covered  
8           provider.

9           “(5) SHARED MOBILE SERVICE CONTRACT.—  
10          The term ‘shared mobile service contract’—

11               “(A) means a mobile service contract for  
12               an account that includes not less than 2 con-  
13               sumers; and

14               “(B) does not include enterprise services  
15               offered by a covered provider.

16          “(6) SURVIVOR.—The term ‘survivor’ means an  
17          individual who is not less than 18 years old and—

18               “(A) against whom a covered act has been  
19               committed or allegedly committed; or

20               “(B) who cares for another individual  
21               against whom a covered act has been committed  
22               or allegedly committed (provided that the indi-  
23               vidual providing care did not commit or alleg-  
24               edly commit the covered act).

1       “(b) SEPARATION OF LINES FROM SHARED MOBILE  
2 SERVICE CONTRACT.—

3               “(1) IN GENERAL.—Not later than 2 business  
4 days after receiving a completed line separation re-  
5 quest from a survivor pursuant to subsection (c), a  
6 covered provider shall, as applicable, with respect to  
7 a shared mobile service contract under which the  
8 survivor and the abuser each use a line—

9               “(A) separate the line of the survivor, and  
10 the line of any individual in the care of the sur-  
11 vivor, from the shared mobile service contract;  
12 or

13               “(B) separate the line of the abuser from  
14 the shared mobile service contract.

15               “(2) LIMITATIONS ON PENALTIES, FEES, AND  
16 OTHER REQUIREMENTS.—Except as provided in  
17 paragraphs (5) through (8), a covered provider may  
18 not make separation of a line from a shared mobile  
19 service contract under paragraph (1) contingent on  
20 any requirement other than the requirements under  
21 subsection (c), including—

22               “(A) payment of a fee, penalty, or other  
23 charge;

1           “(B) maintaining contractual or billing re-  
 2           sponsibility of a separated line with the pro-  
 3           vider;

4           “(C) approval of separation by the primary  
 5           account holder, if the primary account holder is  
 6           not the survivor;

7           “(D) a prohibition or limitation, including  
 8           one described in subparagraph (A), on number  
 9           portability, provided such portability is tech-  
 10          nically feasible, or a request to change phone  
 11          numbers;

12          “(E) a prohibition or limitation on the sep-  
 13          aration of lines as a result of arrears accrued  
 14          by the account;

15          “(F) an increase in the rate charged for  
 16          the mobile service plan of the primary account  
 17          holder with respect to service on any remaining  
 18          line or lines; or

19          “(G) any other limitation or requirement  
 20          not listed under subsection (c).

21          “(3) RULE OF CONSTRUCTION.—Nothing in  
 22          paragraph (2) shall be construed to require a cov-  
 23          ered provider to provide a rate plan for the primary  
 24          account holder that is not otherwise commercially  
 25          available.

1           “(4) REMOTE OPTION.—A covered provider  
 2           shall offer a survivor the ability to submit a line sep-  
 3           aration request under subsection (c) through secure  
 4           remote means that are easily navigable, provided  
 5           that remote options are commercially available and  
 6           technically feasible.

7           “(5) RESPONSIBILITY FOR TRANSFERRED  
 8           TELEPHONE NUMBERS.—Notwithstanding para-  
 9           graph (2), beginning on the date on which a covered  
 10          provider transfers billing responsibilities for and  
 11          rights to a telephone number or numbers to a sur-  
 12          vivor under paragraph (1)(A) in response to a line  
 13          separation request submitted by the survivor under  
 14          subsection (c), unless ordered otherwise by a court,  
 15          the survivor shall assume financial responsibility, in-  
 16          cluding for monthly service costs, for the transferred  
 17          telephone number or numbers.

18          “(6) RESPONSIBILITY FOR TRANSFERRED  
 19          TELEPHONE NUMBERS FROM A SURVIVOR’S AC-  
 20          COUNT.—Notwithstanding paragraph (2), upon the  
 21          transfer of a telephone number under paragraph  
 22          (1)(B) in response to a line separation request sub-  
 23          mitted by a survivor under subsection (c), the sur-  
 24          vivor shall have no further financial responsibilities  
 25          to the transferring covered provider for the services



1 provided by the transferring covered provider for the  
 2 telephone number or for any mobile device associ-  
 3 ated with the telephone number.

4 “(7) RESPONSIBILITY FOR MOBILE DEVICE.—  
 5 Notwithstanding paragraph (2), beginning on the  
 6 date on which a covered provider transfers billing re-  
 7 sponsibilities for and rights to a telephone number  
 8 or numbers to a survivor under paragraph (1)(A) in  
 9 response to a line separation request submitted by  
 10 the survivor under subsection (c), unless otherwise  
 11 ordered by a court, the survivor shall not assume fi-  
 12 nancial responsibility for any mobile device associ-  
 13 ated with the separated line, unless the survivor pur-  
 14 chased the mobile device, or affirmatively elects to  
 15 maintain possession of the mobile device.

16 “(8) NOTICE TO SURVIVOR.—If a covered pro-  
 17 vider separates a line from a shared mobile service  
 18 contract under paragraph (1) and the primary ac-  
 19 count holder is not the survivor, the covered provider  
 20 shall notify the survivor of the date on which the  
 21 covered provider intends to give any formal notice to  
 22 the primary account holder.

23 “(c) LINE SEPARATION REQUEST.—

24 “(1) IN GENERAL.—A survivor shall submit to  
 25 the covered provider a line separation request that—

1 “(A) verifies that an individual who uses a  
2 line under the shared mobile service contract  
3 has committed or allegedly committed a covered  
4 act against the survivor or an individual in the  
5 survivor’s care, by providing—

6 “(i) a copy of a signed affidavit from  
7 a licensed medical or mental health care  
8 provider, licensed military medical or men-  
9 tal health care provider, licensed social  
10 worker, victim services provider, or licensed  
11 military victim services provider, or an em-  
12 ployee of a court, acting within the scope  
13 of that person’s employment; or

14 “(ii) a copy of a police report, state-  
15 ments provided by police, including mili-  
16 tary police, to magistrates or judges,  
17 charging documents, protective or restrain-  
18 ing orders, military protective orders, or  
19 any other official record that documents  
20 the covered act;

21 “(B) in the case of relief sought under  
22 subsection (b)(1)(A), with respect to—

23 “(i) a line used by the survivor that  
24 the survivor seeks to have separated, states

1           that the survivor is the user of that spe-  
2           cific line; and

3           “(ii) a line used by an individual in  
4           the care of the survivor that the survivor  
5           seeks to have separated, includes an affi-  
6           davit setting forth that the individual—

7                       “(I) is in the care of the survivor;  
8                       and

9                       “(II) is the user of that specific  
10           line; and

11           “(C) requests relief under subparagraph  
12           (A) or (B) of subsection (b)(1) and identifies  
13           each line that should be separated.

14           “(2) COMMUNICATIONS FROM COVERED PRO-  
15           VIDERS.—

16           “(A) IN GENERAL.—A covered provider  
17           shall notify a survivor seeking relief under sub-  
18           section (b) in clear and accessible language that  
19           the covered provider may contact the survivor,  
20           or designated representative of the survivor, to  
21           confirm the line separation, or if the covered  
22           provider is unable to complete the line separa-  
23           tion for any reason, pursuant to subparagraphs  
24           (B) and (C).

1           “(B) REMOTE MEANS.—A covered provider  
 2           shall notify a survivor under subparagraph (A)  
 3           through remote means, provided that remote  
 4           means are commercially available and tech-  
 5           nically feasible.

6           “(C) ELECTION OF MANNER OF CON-  
 7           TACT.—When completing a line separation re-  
 8           quest submitted by a survivor through remote  
 9           means under paragraph (1), a covered provider  
 10          shall allow the survivor to elect in the manner  
 11          in which the covered provider may—

12                   “(i) contact the survivor, or des-  
 13                   ignated representative of the survivor, in  
 14                   response to the request, if necessary; or

15                   “(ii) notify the survivor, or designated  
 16                   representative of the survivor, of the inabil-  
 17                   ity of the covered provider to complete the  
 18                   line separation.

19          “(3) ENHANCED PROTECTIONS UNDER STATE  
 20          LAW.—This subsection shall not affect any law or  
 21          regulation of a State providing communications pro-  
 22          tections for survivors (or any similar category of in-  
 23          dividuals) that has less stringent requirements for  
 24          providing evidence of a covered act (or any similar  
 25          category of conduct) than this subsection.

1 “(d) CONFIDENTIAL AND SECURE TREATMENT OF  
2 PERSONAL INFORMATION.—

3 “(1) IN GENERAL.—Notwithstanding section  
4 222(c)(2), a covered provider and any officer, direc-  
5 tor, employee, vendor, or agent thereof shall treat  
6 any information submitted by a survivor under sub-  
7 section (c) as confidential and securely dispose of  
8 the information not later than 90 days after receiv-  
9 ing the information.

10 “(2) RULE OF CONSTRUCTION.—Nothing in  
11 paragraph (1) shall be construed to prohibit a cov-  
12 ered provider from maintaining, for longer than the  
13 period specified in that paragraph, a record that  
14 verifies that a survivor fulfilled the conditions of a  
15 line separation request under subsection (c).

16 “(e) AVAILABILITY OF INFORMATION TO CON-  
17 SUMERS.—A covered provider shall make information  
18 about the options and process described in subsections (b)  
19 and (c) readily available to consumers—

20 “(1) on the website and the mobile application  
21 of the provider;

22 “(2) in physical stores; and

23 “(3) in other forms of public-facing consumer  
24 communication.

25 “(f) TECHNICAL INFEASIBILITY.—

1           “(1) IN GENERAL.—The requirement to effec-  
 2           tuate a line separation request pursuant to sub-  
 3           section (b)(1) shall not apply to a covered provider  
 4           if the covered provider cannot operationally or tech-  
 5           nically effectuate the request.

6           “(2) NOTIFICATION.—If a covered provider can-  
 7           not operationally or technically effectuate a line sep-  
 8           aration request as described in paragraph (1), the  
 9           covered provider shall—

10           “(A) notify the survivor who submitted the  
 11           request of that infeasibility—

12           “(i) at the time of the request; or

13           “(ii) in the case of a survivor who has  
 14           submitted the request using remote means,  
 15           not later than 2 business days after receiv-  
 16           ing the request; and

17           “(B) provide the survivor with information  
 18           about other alternatives to submitting a line  
 19           separation request, including starting a new  
 20           line of service.

21           “(g) LIABILITY PROTECTION.—

22           “(1) IN GENERAL.—A covered provider and any  
 23           officer, director, employee, vendor, or agent thereof  
 24           shall not be subject to liability for any claims deriv-  
 25           ing from an action taken or omission made with re-



1       spect to compliance with this section and the rules  
2       adopted to implement this section.

3               “(2) COMMISSION AUTHORITY.—Nothing in this  
4       subsection shall limit the authority of the Commis-  
5       sion to enforce this section or any rules or regula-  
6       tions promulgated by the Commission pursuant to  
7       this section.”.

8   **SEC. 5. RULEMAKING ON PROTECTIONS FOR SURVIVORS**  
9               **OF DOMESTIC VIOLENCE.**

10       (a) DEFINITIONS.—In this section—

11               (1) the term “Affordable Connectivity Pro-  
12       gram” means the program established under section  
13       904(b) of division N of the Consolidated Appropria-  
14       tions Act, 2021 (Public Law 116–260), as amended  
15       by section 60502 of the Infrastructure Investment  
16       and Jobs Act (Public Law 117–58), or any suc-  
17       cessor program;

18               (2) the term “appropriate congressional com-  
19       mittees” means the Committee on Commerce,  
20       Science, and Transportation of the Senate and the  
21       Committee on Energy and Commerce of the House  
22       of Representatives;

23               (3) the term “Commission” means the Federal  
24       Communications Commission;

1           (4) the term “covered hotline” means a hotline  
 2           related to domestic violence, dating violence, sexual  
 3           assault, stalking, sex trafficking, severe forms of  
 4           trafficking in persons, or any other similar act;

5           (5) the term “designated program” means the  
 6           program designated by the Commission under sub-  
 7           section (c)(3)(A)(i) to provide emergency commu-  
 8           nications support to survivors;

9           (6) the term “Lifeline program” means the pro-  
 10          gram set forth in subpart E of part 54 of title 47,  
 11          Code of Federal Regulations (or any successor regu-  
 12          lation); and

13          (7) the term “text message” has the meaning  
 14          given the term in section 227(e) of the Communica-  
 15          tions Act of 1934 (47 U.S.C. 227(e)).

16          (b) RULEMAKINGS.—

17           (1) LINE SEPARATIONS.—

18           (A) IN GENERAL.—Not later than 18  
 19           months after the date of enactment of this Act,  
 20           the Commission shall adopt rules to implement  
 21           section 345 of the Communications Act of  
 22           1934, as added by section 4 of this Act.

23           (B) CONSIDERATIONS.—In adopting rules  
 24           under subparagraph (A), the Commission shall  
 25           consider—

- 1 (i) privacy protections;
- 2 (ii) account security and fraud detec-
- 3 tion;
- 4 (iii) account billing procedures;
- 5 (iv) procedures for notification of sur-
- 6 vivors about line separation processes;
- 7 (v) notice to account holders;
- 8 (vi) situations in which a covered pro-
- 9 vider cannot operationally or technically
- 10 separate a telephone number or numbers
- 11 from a shared service plan such that the
- 12 provider cannot effectuate a line separation
- 13 request;
- 14 (vii) the requirements for remote sub-
- 15 mission of a line separation request, in-
- 16 cluding how that option facilitates submis-
- 17 sion of verification information and meets
- 18 the other requirements of section 345 of
- 19 the Communications Act of 1934, as added
- 20 by section 4 of this Act;
- 21 (viii) feasibility of remote options for
- 22 small covered providers;
- 23 (ix) implementation timelines, includ-
- 24 ing those for small covered providers;

1 (x) financial responsibility for trans-  
 2 ferred telephone numbers;

3 (xi) whether and how the survivor can  
 4 affirmatively elect to take financial respon-  
 5 sibility for the mobile device associated  
 6 with the separated line;

7 (xii) compliance with subpart U of  
 8 part 64 of title 47, Code of Federal Regu-  
 9 lations, or any successor regulations (relat-  
 10 ing to customer proprietary network infor-  
 11 mation) or any other legal or law enforce-  
 12 ment requirements; and

13 (xiii) ensuring covered providers have  
 14 the necessary account information to com-  
 15 ply with the rules and with section 345 of  
 16 the Communications Act of 1934, as added  
 17 by section 4 of this Act.

18 (2) EMERGENCY COMMUNICATIONS SUPPORT  
 19 FOR SURVIVORS.—

20 (A) IN GENERAL.—Not later than 18  
 21 months after the date of enactment of this Act,  
 22 or as part of a general rulemaking proceeding  
 23 relating to the Lifeline program or the Afford-  
 24 able Connectivity Program, whichever occurs  
 25 earlier, the Commission shall adopt rules that—

1 (i) designate a single program, which  
2 shall be either the Lifeline program or the  
3 Affordable Connectivity Program, to pro-  
4 vide emergency communications support to  
5 survivors in accordance with this para-  
6 graph; and

7 (ii) allow a survivor who is suffering  
8 from financial hardship and meets the re-  
9 quirements under section 345(c)(1) of the  
10 Communications Act of 1934, as added by  
11 section 4 of this Act, without regard to  
12 whether the survivor meets the otherwise  
13 applicable eligibility requirements of the  
14 designated program, to—

15 (I) enroll in the designated pro-  
16 gram as quickly as is feasible; and

17 (II) participate in the designated  
18 program based on such qualifications  
19 for not more than 6 months.

20 (B) CONSIDERATIONS.—In adopting rules  
21 under subparagraph (A), the Commission shall  
22 consider—

23 (i) how survivors who are eligible for  
24 relief and elected to separate a line under  
25 section 345(c)(1) of the Communications

1 Act of 1934, as added by section 4 of this  
2 Act, but whose lines could not be separated  
3 due to operational or technical infeasibility,  
4 can participate in the designated program;  
5 and

6 (ii) confidentiality in the transfer and  
7 retention of any necessary documentation  
8 regarding the eligibility of a survivor to en-  
9 roll in the designated program.

10 (C) EVALUATION.—Not later than 2 years  
11 after completing the rulemaking under subpara-  
12 graph (A), the Commission shall—

13 (i) evaluate the effectiveness of the  
14 Commission’s provision of support to sur-  
15 vivors through the designated program;

16 (ii) assess the detection and elimi-  
17 nation of fraud, waste, and abuse with re-  
18 spect to the support described in clause (i);  
19 and

20 (iii) submit to the appropriate con-  
21 gressional committees a report that in-  
22 cludes the evaluation and assessment de-  
23 scribed in clauses (i) and (ii), respectively.

24 (D) RULE OF CONSTRUCTION.—Nothing in  
25 this paragraph shall be construed to limit the



1 ability of a survivor who meets the require-  
2 ments under section 345(c)(1) of the Commu-  
3 nications Act of 1934, as added by section 4 of  
4 this Act, to participate in the designated pro-  
5 gram indefinitely if the survivor otherwise quali-  
6 fies for the designated program under the rules  
7 of the designated program.

8 (E) NOTIFICATION.—A provider of wireless  
9 communications services that receives a line  
10 separation request pursuant to section 345 of  
11 the Communications Act of 1934, as added by  
12 section 4 of this Act, shall inform the survivor  
13 who submitted the request of—

14 (i) the existence of the designated pro-  
15 gram;

16 (ii) who qualifies to participate in the  
17 designated program under the rules adopt-  
18 ed under subparagraph (A) that are spe-  
19 cially applicable to survivors; and

20 (iii) how to participate in the des-  
21 ignated program under the rules described  
22 in clause (ii).

23 (3) HOTLINE CALLS.—

24 (A) IN GENERAL.—Not later than 180  
25 days after the date of enactment of this Act,

1 the Commission shall commence a rulemaking  
2 proceeding to consider whether to, and how the  
3 Commission should—

4 (i) establish, and update on a monthly  
5 basis, a central database of covered hot-  
6 lines to be used by providers of wireless  
7 communications services or wireline voice  
8 services; and

9 (ii) require providers of wireless com-  
10 munications services or wireline voice serv-  
11 ices to omit from consumer-facing logs of  
12 calls or text messages any records of calls  
13 or text messages to covered hotlines in the  
14 central database described in clause (i),  
15 while maintaining internal records of those  
16 calls and messages.

17 (B) CONSIDERATIONS.—The rulemaking  
18 conducted under subparagraph (A) shall include  
19 consideration of—

20 (i) the ability of law enforcement  
21 agencies or survivors to access a log of  
22 calls or text messages in a criminal inves-  
23 tigation or civil proceeding;

1 (ii) the ability of providers of wireless  
2 communication services or wireline voice  
3 services to—

4 (I) identify logs that are con-  
5 sumer-facing; and

6 (II) omit certain consumer-facing  
7 logs, while maintaining internal  
8 records of such calls and text mes-  
9 sages; and

10 (iii) any other factors associated with  
11 the implementation of clauses (i) and (ii)  
12 to protect survivors of domestic violence,  
13 including factors that may impact smaller  
14 providers.

15 (C) NO EFFECT ON LAW ENFORCEMENT.—

16 Nothing in subparagraph (A) shall be construed  
17 to—

18 (i) limit or otherwise affect the ability  
19 of a law enforcement agency to access a  
20 log of calls or text messages in a criminal  
21 investigation; or

22 (ii) alter or otherwise expand provider  
23 requirements under the Communications  
24 Assistance for Law Enforcement Act (Pub-

1           lic Law 103–414; 108 Stat. 4279) or the  
2           amendments made by that Act.

3           (D) COMPLIANCE.—If the Commission es-  
4           tablishes a central database through the rule-  
5           making under subparagraph (A) and a covered  
6           provider updates its own databases to match  
7           the central database not less frequently than  
8           once every 30 days, no cause of action shall lie  
9           or be maintained in any court against the cov-  
10          ered provider or its officers, employees, or  
11          agents for claims deriving from omission from  
12          consumer-facing logs of calls or text messages  
13          any records of calls or text messages to covered  
14          hotlines in the central database.

15 **SEC. 6. EFFECTIVE DATE.**

16          The requirements under section 345 of the Commu-  
17          nications Act of 1934, as added by section 4 of this Act,  
18          shall take effect 60 days after the date on which the Fed-  
19          eral Communications Commission adopts the rules imple-  
20          menting that section pursuant to section 5(b)(2) of this  
21          Act.

22 **SEC. 7. SAVINGS CLAUSE.**

23          Nothing in this Act or the amendments made by this  
24          Act shall be construed to abrogate, limit, or otherwise af-  
25          fect the provisions set forth in the Communications Assist-

1   ance for Law Enforcement Act (Public Law 103–414; 108  
2   Stat. 4279) and the amendments made by that Act, any  
3   authority granted to the Commission pursuant to that Act  
4   or the amendments made by that Act, or any regulations  
5   promulgated by the Commission pursuant to that Act or  
6   the amendments made by that Act.

Passed the Senate March 17, 2022.

Attest:

*Secretary.*

117TH CONGRESS  
2D SESSION

# **S. 120**

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## **AN ACT**

To prevent and respond to the misuse of communications services that facilitates domestic violence and other crimes.



# Office of the Speaker **THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

Bill No. 242-36(LS) was introduced on Tuesday, January 25, 2022, by Senator Mary Camacho Torres, Speaker, Therese M. Terlaje / Vice Speaker Tina Rose Muña Barnes / Senator Amanda L. Shelton / Senator James C. Moylan / Senator Jose “Pedro” Terlaje / Senator V. Anthony Ada / Senator Frank Blas Jr. / Senator Clynton E. Ridgell / Senator Joe S. San Agustin / Senator Christopher M. Dueñas / Senator Sabina F. Perez and was subsequently referred by the Committee on Rules to the Committee on Health, Land, Justice and Culture on Tuesday, February 1, 2022.

The Committee on Health, Land, Justice, and Culture convened a virtual public hearing on Wednesday, April 6, 2022, beginning at 10:00 a. m. in *I Liheslatura's* Virtual Public Hearing Platform.

### **Public Notice Requirements**

In compliance with Open Government law, Notices for this Virtual Public Hearing were published in the Guam Daily Post on **Wednesday March 30, 2022 (5-Day Notice), and again on Monday, April 04, 2022 (48-Hour Notice)**, posted to the Government of Guam Public Notice Portal, and livestreamed via the Guam Legislature's YouTube Channel. Notices were also disseminated via email to all senators and all main media broadcasting outlets on **Wednesday**

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*\*For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*



**March 30, 2022 (5-Day Notice), and again on Monday, April 04, 2022 (48-Hour Notice).**

**Senators Present:**

Speaker Therese M. Terlaje, Chairperson  
Senator Telen Cruz Nelson, Vice Chairperson on Justice  
Senator Mary Camacho Torres, Bill Prime Sponsor  
Senator Joanne M. Brown, Member  
Senator Telo T. Taitague, Member and Chairperson  
Senator Chris M. Duenas, Minority Leader  
Senator James C. Moylan

**Appearing Before the Committee:**

Shannon J. Taitano, Chief Deputy Attorney General, Office of the Attorney General  
Jayne Flores, Director, Bureau of Women's Affairs  
Christine Tenorio, Esq.

**Written Testimony Submitted:**

Shannon J. Taitano, Chief Deputy Attorney General, Office of the Attorney General  
Jayne Flores, Director, Bureau of Women's Affairs  
Stephanie Lorenzo, Speaker, Guam Youth Congress

## **II. SUMMARY OF TESTIMONY & DISCUSSION**

Chairperson Therese M. Terlaje called the virtual public hearing to order at 9:08 a.m. The Chairperson informed of the Committee's compliance with Open Government law public hearing notice requirements and presented

the items on the hearing agenda. The item on the agenda, Bill No. 242-36 (LS) was introduced by the Prime Sponsor, Senator Mary Camacho Torres.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** *Håfa adai.* For this 9:00 a.m. hearing there's one agenda item, Bill Number 242-36 (LS). I'd like to acknowledge the presence of my colleagues beginning with my Vice Chair on Justice, Senator Telen Cruz Nelson, Senators Telo Taitague, Joanne Brown, Senator Chris Duenas, Senator James Moylan and Senator Mary Torres the sponsor of the bill. I'd like to ask Senator Torres to please introduce the bill.

**SENATOR MARY CAMACHO TORRES:** Thank you, Speaker and good morning to my colleagues. Bill number 242-36 (LS) is an act to add a new Section 40110 to chapter 40 title seven Guam code annotated and to further add a new Section 30.400 to Chapter 30 of Title 9, Guam Code Annotated, *"Relative to the Transfer or Release of Family Violence Victims from Shared Wireless Plans."* Madam chair when we think of family violence, we often refer to the explicit ways that abusers exercise power over their victims. Physical behavior, verbal attacks, or sexual abuse but while these overt actions compel our attention controlling a victim's ability to communicate is one of the most coercive tactics in the book and remains a hidden risk for survivors of domestic violence. For instance, under most shared phone plans, individuals cannot separate their phone number or be released from the plan without the account owner's permission and this task can be difficult or dangerous when the perpetrator or family violence is the primary account holder. Abusers may use the shared account to access victims' call records or harvest their text messages, or even track their location. This behavior, Madam chair is a sad symptom of a deeper problem. One that is plaguing the nation. According to the Centers for Disease Control and Prevention about one in four women and nearly one

in 10 men have experienced violence or stalking by an intimate partner during their lifetime.

On our shores, family violence remains high on the list of crimes charged in court and for the past six years, the Guam police department has logged over 1000 domestic or family violence calls per year. So how does Bill 242 help? Well, if enacted this measure would allow survivors to opt out of shared plans without fees or penalty or the account owner's permission and under this bill, the opt-out request must be submitted in writing along with a valid police report, an order of protection or a signed affidavit from a licensed medical provider, mental health care provider, social worker, or employee of the court. This measure also authorizes the court to issue an order requiring the transfer of billing authority to a petitioner who has been granted an order of protection and to release a petitioner from a shared website, wireless plan or shared wireless plan. I'm sorry. At my request, the court reviewed this provision last July and submitted preliminary testimony supporting the intent and spirit of the proposed legislation.

The Administrator of the Court, Christina Baird also noted that other jurisdictions have enacted similar laws. These include Hawaii, California, Tennessee, Ohio, and New Jersey. Several other states are also considering legislation following the increase of domestic violence reports particularly during this pandemic.

In addition, U.S. Senator Brian Schatz introduced a similar federal measure in the Senate last year. The bill entitled the Safe Connections Act was passed on March 17th and now heads to the U.S. House of Representatives for consideration. Well Bill 242 was drafted to align with that bill should it make its way out of Congress. The passage of the federal measure is not

necessary for this bill to stand. Ultimately, Madam chair, these protections will do no good if those who need it remain unaware. That is why this bill also requires that a wireless telecommunication service provider make this information readily available to consumers on their website, in their stores and in other forms of customer facing communication. I realized this is a great deal to ask of our companies and I am aware that most already go out of their way to work with their customers and treat these situations on a case by case basis and I'm thankful for that, but worrying whether their phone company will help them is the last thing a survivors should have to think about and so Bill 242 makes clear that no contract is sacred enough to continue abuse and assure survivors that under the law, they can cut ties from their abuser without penalty, helping them to start over and feel safe again. Thank you, Madam chair.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you, Senator Torres. For the record, the committee requested feedback on this bill from the following. The Bureau of Women's Affairs, Guam Behavioral Health and Wellness Center, The Healing Hearts Crisis Center, the Office of the Attorney General, Guam Public Defender Service Corporation, the UOG Violence Against Women Prevention Program, UOG ISA Psychological Service Center, Catholic Social Services, Alee Shelter, UOG Social Work Student Alliance, Victims' advocates reaching out, *Famalao'an* rights and telecommunications companies including GTA, Docomo, and IT&E and some of them are here today to testify. So, we will now hear the testimony on the bill beginning with Jayne Flores, Director, Bureau of Women's Affairs.

**JAYNE FLORES, DIRECTOR, BUREAU OF WOMEN'S AFFAIRS:** Thank you very much Madam Speaker and honorable committee members. *Si yu'os ma'åse'* for the opportunity to testify in favor of Bill 242-36 relative to

the transfer or release of family violence fixings from shared wireless plans. My name is Jayne Flores. I am the Director of the Bureau of Women's Affairs of the Government of Guam, and I also am the administrator of the governor's community outreach federal programs office, which runs all of our office of violence against women, federal grants, our stop and our sass grants and our increasing criminal justice responses grants. According to the Guam Police Department's Domestic Assault Response Team, or DART, in 2021, GPD responded to 1,226 cases of family violence. This is a 19% increase over the 1,030 cases reported to GPD in 2020. To say that we have a problem with family violence on our island is an understatement. The Guam Coalition Against Sexual Assault and Domestic Violence notes that our rates are among the highest in the nation. We know that victims of domestic or family violence are often financially at the mercy of the perpetrator, which is why Bill 242-36 is so important.

This piece of legislation allows documented victims of family violence to be released or transferred from a wireless plan that they may share with the perpetrator. This legislation is especially important when you consider that a shared phone plan is yet another way for a family violence perpetrator to be able to control their victim or victims because as was mentioned before, the account holder of the plan can monitor any and all phone calls or texts made by the persons under the plan. This ability to monitor the phone activity of a wireless plan can in effect, prevent victims of family violence from reaching out for help. It can actually put a victim of family violence in more danger if the perpetrator accuses the victim of calling someone that the perpetrator may deem inappropriate for the victim to be communicating with or reaching out for help. GPD reported that in 2021, 71%, an overwhelming majority of the reported cases of family violence victims were female. The Bureau of Women's Affairs considers this legislation an important component in helping to protect women from the

scourge of family violence on our island. *Si Yu'os ma'åse'* for the opportunity to testify in favor of Bill 242-36. Thank you.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you very much. Ms. Flores. Christine Tenorio, Attorney Tenorio.

**CHRISTINE TENORIO, ATTORNEY:** Thank you. Madam speaker and Senator Torres, and all senators here in the audience and thank you for this opportunity to give me a chance to speak on behalf of this bill. As a former prosecutor and former family violence and head of sex crimes unit I believe that this bill is very important for our victims whether it is a charged case or not and I do think that the separation of the provisions legally is going to help the victims here because we have the victims who obtain civil orders of protection, as well as the victims who have criminal orders of protection. This bill does cover them and protect them under the way it's written and so I do believe in the spirit of the bill, and I think that this is a very good idea. As an attorney, I just have some questions that I think I'll just say for the record, and then we can maybe circle back to this later if I get the opportunity. I'm just reading this of how a judge would read the provisions and I think the question would be what if the order of protection ends, what does that do for the victim? Would they be able to go back into the shared wireless plan if they opt to do so? But the bigger question which I think the prosecutors would face is whether if you're not a charged victim of family violence, would this apply to you under the waits for it to, because it's inserted in the family violence section, but this is definitely helpful and this is going to help prosecutors in the way where as a prosecutor, you know, when we try to get ahold of victims, as far as the case even though there's supposed to be a stay away order, we find that the defendants are actually holding the phone literally and keeping it from them, or if we call the number, the defendant will answer therefore,



stopping us from communicating with these victims. So, thank you to Senator Torres and all the other senators who have introduced this bill. This is going to be very helpful for the victims of our community. Thank you.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you very much, Attorney Tenorio.

**SENATOR MARY CAMACHO TORRES:** Madam speaker would Attorney Tenorio prefer that I address her question now while it's fresh?

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** We'll take questions at, we'll do that in a minute. Yeah. Let me just get, there's two more people to testify. First the Attorney General's office, Shannon, sorry. Shannon Taitano.

**SHANNON J. TAITANO, Chief Deputy Attorney General, OAG:** Good morning, Speaker Terlaje, senators of the Guam legislature. My name is Shannon Taitano. I'm chief deputy here at the Office of the Attorney General. I'd like to thank all of you for the opportunity to present testimony on bill 242. We are still reviewing this measure as well as other bills that are before this committee today but wanted the committee to know that we support this bill, which will make it easier for victims of family violence to seek independence from an abuser while maintaining consistent phone service. The only area of concern we have is how a victim could receive this relief outside of the protective order process. As currently proposed a victim who does not file a petition for a protective order is required to produce documents showing abuse to telecommunication service providers in order to opt out of a shared wireless plan. A victim of family violence may be reluctant to share police



reports or details of their abuse for the telecommunication service provider even if the bill makes this information confidential. If the intention of section three was to permit courts sitting in criminal jurisdiction to grant this type of relief, one suggestion could be to expand the authority of courts to grant victims of domestic violence control over their wireless service provider in section one to include criminal actions brought pursuant to title seven chapter 40, as well as criminal cases brought to title nine chapter 30. Title seven is a civil procedure to obtain a protective order or restraining order and title nine chapter 30 is the family violence chapter.

If the bill proceeds as proposed, we offer two additional suggestions. The first would be to allow certain individuals such as an attorney or victim advocate to submit the opt-out request to the wireless service provider along with any required documentation. The second is that a declaration made under penalty of perjury may achieve the same purpose as a signed affidavit without additional barriers, such as a notary requirement. Thank you again for your time and consideration, and we'll submit this testimony to the committee.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you very much, Attorney Taitano, chief deputy AG. We'll now hear from Sharon Davis, Ms. Davis. I'm sorry, Ms. Davis, we can't hear you yet.

**SHARON DAVIS, GTA REPRESENTATIVE:** Yep. Just hit the unmute button. Thank you everyone for the opportunity for us to participate in this hearing. My name is Sharon Davis. I have been at GTA for about 15 years now and I am the vice president of customer experience here. So pretty familiar with these kinds of situations as customers come to us. We will also be submitting for the record, Dan Tydingco and I. GTA fully complies with all lawful U.S. processes including court orders, subpoenas from

enforcement agencies, and any time we've received these court orders or protective orders, we have done everything required and possible to ensure the compliance and assistance of victims of domestic or any violence. We also participated in the Project Rise and Project Rise was where we had gifted prepaid phones and sims as they were needed. So, we made changes. You know, I believe that as it was explained to me yesterday that, you know, for example this team was recycling phones. So maybe someone who needed the assistance for this month, the phone was retrieved and then we were changing telephone numbers for that as needed.

There's also, you know, the federal laws that we have to abide by and the FCC CPNI law currently protects the account holder, including any changes that were made to the account. So, the current, CPNI law would in my view and I'm not an expert on law at all, would protect the information of the account and we would be required to release that information to the account holder and so I have some concerns about that. Also, you know, I agree with Shannon's testimony about documents. I'm just not clear on how this would make it easier for someone in, you know, a quick situation to be able to change a telephone number. And then finally, one thing that is an actual feature of an iPhone and Guam is like an 80/20 as far as Apple versus Android users, which is very different from worldwide because worldwide, it would be opposite- where there's more Android users than iPhone. Even if you change the telephone number on an iPhone and let's say that the victim's phone was still being monitored by the account holder- even if the phone number was changed, the SIM number was changed, the *find my iPhone* feature would still allow them to track that person's location. And so, I would be a bit concerned about that, and so that's it from us. Thanks so much for the opportunity and I just want to say

for the record that I'm happy to see that the legislature is raising an issue such as this for the folks in our community. Thank you.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you very much, Ms. Davis. Appreciate you being here and providing that testimony. If we could get it in writing, I would very much appreciate that as well.

**SHARON DAVIS, GTA REPRESENTATIVE:** Sure.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you. I think that's it for those who have signed up, is there anyone I missed who wanted to provide testimony on this particular bill? All right. If not, then we will go to questions from the panel. Senator Torres, I would like to begin if you'd like.

**SENATOR MARY CAMACHO TORRES:** Thank you, Madam speaker. I just wanted to address some of the questions and comments that were made. First, to thank the three that came and provided very valuable testimony. I'm going to begin first with a comment made by Attorney Christine Tenorio, we recognize that not all victims will seek protective orders and so the bill doesn't require a conviction as one of the things that it is noted in Subsection B, Section 30.400. You know, there are things like police reports or a protective order, or even an affidavit from a medical provider, court employees, social worker advocates. So, we understand that there are different tiers. How we address things outside of the protective order once that expires, you know, we'll discuss that further, but we believe that the intention is to include even in any times that there was a threat against a victim. And then Shannon, thank you very much for your very good comments and suggestions. We clearly would like to work to further make it easier for victims so that they are not, you know, if the

declaration is something that can be signed under the pains of penalty of perjury, that certainly would be something that suffices. Your other suggestion of allowing attorneys or advocates to file for opt-out allowances is something too that we'll take into account.

Very good suggestion and well, you know, as we get your written testimony, we'll clearly work to make any amendments or further clarifications in the bill to address those suggestions that you had. And lastly, I just want to comment on Ms. Davis, thank you for your testimony and, you know, we are grateful and thankful that companies like GTA have been working and continue to work with victims in these sorts of scenarios. And I think the only comment that I have is that the intent of this bill is to expand that so that all companies more or less have that same degree of consciousness and attention to the needs of victims when it comes to breaking away from the contracts or from the main subscribers. And with that Madam Chair, I believe those were the points that I jotted down briefly through the testimony. I look forward to the written testimony so that we can further the discussion and make necessary amendments. One amendment that I will be contemplating that sort of touches on this idea, is whether a conviction is necessary to avail of this exemption. We are looking at inserting additional language that states that nothing in this bill shall be construed to require a criminal conviction or any other determination of a court for conduct to constitute a family violence as described in 9 GCA, Chapter 30.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** All right. I look forward to those being submitted to the committee. Any other additional suggestions that any of you who have testified are willing to submit we would appreciate those, especially in writing. We did receive in writing the testimony of the Bureau of Women's Affairs this morning so that should

have been provided to all the senators via the drive. Okay and so now we'll look to the other senators, Senator Nelson.

**SENATOR TELENA CRUZ NELSON:** Thank you, Madam Speaker. I appreciate the input from all of the attorneys and also Ms. Davis from GTA. That is helpful information. I believe in this bill; I believe it's a very good bill. We just need to focus on how we are going to move forward and address some of the issues that they are concerned about as far as the accessibility to getting the phone lines removed from the perpetrator and so I look forward to concreting solutions and any recommendations that you may have as attorneys or those that work in the telecom industry. So, thank you very much. Thank you, Madam speaker.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you, Senator Nelson. Senator Duenas.

**SENATOR CHRISTOPHER M. DUENAS:** *Si Yu'os ma'åse'* Madam chair. You know, certainly it's a great bill and I'd like to commend the author. I thank all the attorneys and the legal representations here today to guide us. I think the most compelling testimony came from the Bureau of Women's Affairs. I think those statistics are just staggering and it's a reflection of the community. Unfortunately, some illness in our community and things that are happening, that we have to take measures such as this and do everything that we can to provide victims the opportunity to escape, you know, there is a dire situation. So, I think it's very clear that this is something that is needed. Of course, you know I thank GTA for being here Ms. Davis, you know, of course I think by and large, most people believe that account holders and the general population of Guam are, you know, good citizens operating every day but these dark situations that victims can find themselves in is really overwhelming and anything that we can do to

allow them to detach from a very terrible, dangerous and abusive situation. This is one more thing that a victim has in their hands to be able to free themselves from a terrible situation. So, I just wanted to make that comment. It sounds like all the technical stuff is here to address. Maybe any other issues and their written testimony should strengthen the bill and so with that Madam Speaker, I just want to say *si Yu'os ma'åse'* and you know, to Jayne, thank you for representing, you know, that stark information that really continues to be of concern. So, we pray that we can have better results in the future, but for now let's try to help our victims as much as possible. *Si Yu'os ma'åse'*.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** *Si Yu'os ma'åse'* Senator. Senator Taitague, you are recognized.

**SENATOR TELO T. TAITAGUE:** *Si yu'os ma'åse'* Madam chair and speaker for the opportunity to make just a few comments. I think the bill, it's great intentions. In fact, if I'm not mistaken, S120, the Safe Connection Act of 2021 is being heard in Congress, actually has already been voiced in Congress that would actually provide these mechanisms on a federal level which of course will supersede any law that we put into place.

So, I know that the U.S. Congress is addressing this situation and may make it a little bit easier for us to follow with all their guidelines, especially when they oversee FCC, and certain regulatory departments in that for airwaves. So, I appreciate the intent for this and look forward to both on a federal level its passing of the Safe Connection Act of 2021. In the meantime, this bill would probably, you know, put this into place now before that because you know, it's always an act of Congress before something gets through. So, appreciate the opportunity Madam Speaker.



**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you. Senator Taitague. Senator Brown you are recognized.

**SENATOR JOANNE M. BROWN:** Thank you, Madam speaker. I just wanted to ask Ms. Davis if she could just follow up on her comment with regards to the ability to still be able to track the phone even if the numbers are changed, because I certainly understand the intent of Senator Torres in wanting to help facilitate the ability for someone who's trying to get out of a difficult situation. I think we all understand the value of communication and certainly for them to want to be in contact with the key people that can assist or make sure their family's okay and things of that nature, but you had mentioned that even if the number had been changed on a phone, that there's still an ability to track that phone. Could you just elaborate a little bit on that because most of the rest of us were just used to using the phone with really no idea. You know, what's involved with you know, like if you lose your phone, you hear someone steals your phone, you can track your phone. So, is that something similar with the primary holder, particularly? Are we assuming in this case, it's the male individual that you know, would be the primary account holder that could still have the ability? Can you just elaborate on that for those of us that are not as well versed with regards to what the technology can do now?

**SHARON DAVIS, GTA REPRESENTATIVE:** Sure. I mean, that's a great question, Senator. Thank you for it. You know, it's a feature that is meant, you know, 90% of the time to protect you and your equipment and you know, the real question in my mind is who set it up on the phone and I would be worried that if, you know, maybe my partner had given me the phone as a gift, I wouldn't know because I wouldn't even know to check and so it is the find my iPhone feature on your phone and, you know, as I said earlier that I would be concerned about that if they were taking the



phones with them and so, you know, I'm not a tech expert. I can certainly add to that you know; they're changing that all the time. When you see an update on your iPhone, you know, there might be a small tweak and you're accepting and so I would really need to look at the actual tool and what it can and can't do but my understanding Senator would be that unless you had the password to that account, like if you and I had a shared plan, I would not be able to turn it off without your password.

**SENATOR JOANNE M. BROWN:** Yeah, that would be concerning because certainly if someone's trying to get out of a very difficult situation and then the individual that you know, is making life difficult for them. If they're able to find them because of the phone, then you know, our intent of trying to use this as something to help save them can be something that's via direct way of this individual, the perpetrator to get directly to a victim if they have the ability obviously to track and I guess maybe that's something that we should explore a little further, because I don't know. Is there an immediate way for someone, I mean, we know we go in and we have to fill in all the application forms to get a phone, is there a shorter way for someone to do it? I mean, I know we have by the minute plan or whatever and is that an option? I mean, what other do you have from your perspective? Is there another way that we could help facilitate so, you know, a victim is not attached to any ability of a perpetrator able to easily track them down, is that something that would be helpful for the public as well? A more immediate way. Maybe they can get another cheaper phone or something that they can get ahold of so that they have a means of communicating and not be tied to a phone that a perpetrator can track them on.

**SHARON DAVIS, GTA REPRESENTATIVE:** Absolutely Senator. My recommendation today, if a victim came into a retail store called one of our

contact centers, we would help them disengage from the contract and offer them, as you said, you know, a low-end prepaid phone. I mean, I'll be honest, I've also given phones as a gift as we do with the rise and then also giving them a prepaid load so that it's completely separate. Right. So, there's no worry about tracking. There's no worry about any of their information being shared through any of like Google, you know, teams or, you know, on the Android side, because we're just talking iPhone here, but there's also, you know, a community of Android users that I'm not quite familiar with as far as tracking. But my recommendation would be to hand them a phone right away with a prepaid load and this is where I really am an advocate for this Project Rise, a program where, you know, it doesn't require any of the paperwork, you know. Goodness, if I was in this situation, just having to do these three steps would be very difficult for me. I would likely go to a friend that could maybe help versus trying to get a court order and then, you know, explaining all my information to a health provider.

**SENATOR JOANNE M. BROWN:** So that leaves it said something that GTA maybe can facilitate, or I mean make more aware. I mean, I'm sure with the victim advocacy groups on Guam, certainly the Women's Bureau and Jayne, the work that you're doing there is so that information is readily available- that option can be available, how they can access or even where these victims will go for assistance. Maybe there's something. GTA you know, bends over backwards in a lot of ways to do community outreach. If there could be a means of facilitating so that perhaps these individuals, in most cases, we know they're women, most cases they're mothers. I'm sure if they're making a decision to get out of the situation. I mean, they probably have an angst over that for a long period of time trying to figure, especially Guam is so small, where do you go and where can you go safely

because they're in a very dangerous situation where it's all about control and the perpetrator's going to want to bring harm on them.

Maybe there's a way they can facilitate so that those that are involved in assisting these victims have a way of getting the information or how they can get access to the phone, even without them having to go into GTA. For example, you know, on a customer service, in an open area, you know, to get a phone so that they have some sense of comfort that they can communicate freely to who they need to without worrying, you know, that a perpetrator is going to be able to harm them or track them down or keep track of their conversations because I mean, it's all about control when you get right down to it.

So, I appreciate that information. I mean, I had not been aware. I knew we could use our phone, you know, if it got lost or someone stole it to track it. But you're right. If it's something that the perpetrator of they're the primary owner on account can also use it to track their victims. I mean, that's frightening, especially if you're trying to get out of, it very difficult and in many cases we've seen on Guam deadly situations. So, I appreciate you responding to that question and thank you, Madam speaker for the opportunity to ask the question. Thank you.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you very much Senator. Senator Moylan, you are recognized.

**SENATOR JAMES C. MOYLAN:** Thank you, Madam speaker. Thank you to the panel. The information is very helpful. I think we have more information to strengthen the bill and any adjustments that may be necessary. It was very good. I have a better understanding of the flow and

how this should work to protect our victims. So, thank you to the sponsor of the bill. Thank you. Madam speaker.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Thank you very much, Senator Moylan. I'd like to ask those who have testified, if they send in written testimony, be very specific about it. The bill as proposed currently is broader for example, than the California law. California law in my understanding requires a court order and so this one would allow other types of evidence to be submitted without the need of a court order, including I think police reports. And we've heard that the victims' advocates should be allowed. I think that's also allowed in the Hawaii statute. So, Hawaii statute includes a longer list of entities that can submit that kind of evidence- that there's abuse and that these provisions should apply. But if I'm understanding correctly, you all seem to be consistent in advocating that more evidence should be allowed rather than less. Could I ask you again Chief, Deputy Attorney General Taitano to just confirm that?

**SHANNON J. TAITANO, CHIEF DEPUTY AG, OAG:** Well, in my testimony, I don't know if we were necessarily advocating to add more to the list but for example, what we suggested is instead of having the victim, who may be reluctant to go to a carrier and submit these documents, that maybe an advocate stand in their place and represent them and be allowed to submit these documents. But we also noted that an affidavit might be a little bit onerous because I believe you have to have it notarized. So, we thought maybe a declaration would be a sufficient substitute for the affidavit.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** All right. So, you're saying that victim's advocate should be added perhaps and that a affidavit

will remove the notary requirement and make it easier for the victims. All right. Okay. Thank you. Attorney Tenorio.

**CHRISTINE TENORIO, ATTORNEY:** Thank you, Madam Speaker. I just wanted to clarify and thank you to Senator Torres for contemplating the amendment that would say that a conviction would not necessarily be allowed. To clarify my earlier question, it was whether the defendant must be charged because the way it's written right now, I don't think that a defendant has to be charged. But here's the example I'm talking about. Say someone is arrested for family violence, but that police report has not been forwarded to the AG'S office for charging or they've been given a notice to appear. So, there's a police report documenting that they have suffered from family violence, but there have been no formal charges lodged against that defendant. I think that it would help a victim to clarify that Senator Torres is going to make the amendment to say this doesn't mean that you have to be formally charged with that. Because then what happens is you don't get a criminal order of protection if the case is not charged but even if you have a police report, you will have to go over to get a civil lawyer to get the civil protection order, to get removed off the plan or to get the number changed. So, I think once that little gray area is defined, I think then it would be easier for a victim to avail of the benefits of this law.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** Right. Thank you very much.

**SENATOR MARY CAMACHO TORRES:** Attorney Tenorio. I totally agree with you. The whole concept here is similar to what we were contemplating when we passed the Safe Housing Act, which was a result of the violence that was occurring with the pandemic, of people being locked up and being in closer confines. The idea there in that Act that was

passed into law was to make it easier for victims. Similarly, in this case, it is a similar sort of contemplation that we have to allow certain circumstances that document that there has been a violence against the victim that was committed. But in terms of a charge, I do not foresee that. That is one of the criteria that will be required, and I will work with you to make sure that that is clear. We will probably insert language to make it clearer, that we'll address that in language. I don't have it right now to offer, but your suggestion is well taken. Thank you.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** All right. Thank you, Attorney Tenorio. Ms. Davis, GTA is the only company present here today. I'm very grateful that you took the time to be here. Do you foresee that any other telecommunications company would have a problem implementing this if it was passed? You've talked about the concerns regarding the disclosure of information that is required by another law.

**SHARON DAVIS, GTA REPRESENTATIVE:** The concern that I have because I would be implementing this on my side, is that currently the systems that we use really follow the law. We're obligated to track your telephone numbers on your account and keep those safe for you for a very good reason. And so internally our processes match that and so what we would have to do is somehow disconnect that information and figure out how we would report that information to the FCC because this would likely be a CPNI breach because I'm doing something on your account. If you and I were on a shared account as I said, our processes follow to protect you and all of the details of your account and so we'd have to figure out a way to work around that. So, as far as you know, system changes, goodness. Sometimes it takes three months to change one simple thing and so I'd have to really talk to someone from our IT departments, you know, billing and that and such.



**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** All right. Okay. Well, thank you again. I appreciate it. Now I will go to the sponsor to close on the bill. Senator Torres.

**SENATOR MARY CAMACHO TORRES:** Thank you, Madam speaker. Again, I just want to thank everyone for coming out today to speak on behalf of this bill and to offer positive testimony and constructive comments on how it can be better clarified and strengthened for the victims. I want to thank you, Jayne Flores for always being a great advocate for our women and for victims. Christine Tenorio, Shannon Taitano and also Sharon Davis from GTA. We have reached out to other companies. One of the reasons that we were doing this bill, as well as we were surveying what was occurring in Guam and what we found with some companies we didn't find necessarily with others and so the intent was to make sure that we had a law that would be consistent, that can be easily referred to, that can be made available on terms of information for victims, so that everybody understands, you know, what can be afforded to them in dire situations such as violence against domestic violence. I just want to thank everyone for their comments, and we'll continue to receive those testimonies and make any necessary amendments to better clarify and shore up this piece of legislation. Thank you also to my many co-sponsors and to you, Speaker Terlaje for your advocacy and for scheduling this public hearing in due time. I appreciate it. Thank you everyone. I look forward to your continued support on this.

**SPEAKER THERESE M. TERLAJE, CHAIRPERSON:** *Si yu'os ma'åse'* Senator Torres. There being no additional individuals to present testimony the committee will consider bill 242-36 (LS) duly heard. I ask again that if there's any suggestions or recommendations that you have, please put them in writing and submit them to my committee



Senatorterlaje@gmail.com. *Si yu'os ma'åse'*. The public hearing on building 242-36 (LS) is now adjourned.

The time is 9:53 AM. We will resume at 10:00 AM with a hearing on two other bills. *Si yu'os ma'åse'*.

Virtual Public Hearing adjourned: **9:53 a.m.**

### III. FINDINGS & RECOMMENDATIONS

The Committee finds that for survivors of domestic abuse, sexual assault and stalking, mobile phones may represent a way to be monitored, stalked, or controlled by their abuser. Lock-in contracts or hefty early-termination fees prevent survivors from breaking away from wireless plans shared by their abusers, who can use them to monitor the whereabouts and call or text history of their victims. The Committee finds that the intent of Bill No. 242-36 (LS) is to address this barrier by mandating into law the ability of a survivor to transfer or be released from a shared or family mobile phone plan to create safer options for survivors to stay connected with their family and support networks.

During the hearing, Shannon Davis, representing GTA shared concerns relative to the potential breach in the protection of the Federal Communications Commission's Customer Proprietary Network Information (CPNI) law. CPNI is confidential information about a customer's purchase and use of telecommunications services, such as: Where, when, and with whom a call takes place (call detail records). The types and amount of telecom products and services a customer buys. The Committee finds that proposed § 30.400 (g) of Section 3 of the bill, mirrors

language from Hawaii statutes, as well as language in the laws of other jurisdictions relative to carrier liability which states,

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

The Committee further finds that S1257, also known as the *Safe Connections Act* of 2022 is a bipartisan legislation introduced by U.S. Senator Deb Fischer, R-Neb., Senator Richard Blumenthal, D-Conn., Senator Rick Scott, R-Fla. and Senator Jacky Rosen, D-Nev.), in January of this year, which seeks to help domestic violence survivors leave these shared plans while keeping their phone number to create safer options for them to stay connected with their family and support networks. The bill would allow survivors to separate a mobile phone line from any shared plan involving an abuser without penalty. It would require the Federal Communications Commission (FCC) to begin to come up with new standards to best help survivors access free or low-cost phone service through a federal program known as Lifeline. The Safe Connections Act also would ensure that any calls or texts to domestic violence hotlines don’t appear on call logs. S1257 was passed in the U.S. Senate on March 17, 2022 and awaits action by the U.S. House of Representatives at this time.

Per the recommendations made at the public hearing, the Committee on Health, Land, Justice, Culture made the following amendments to Bill No. 242-36 (LS):

- Expanded the transfer or release from shared wireless plans to victims of sexual assault and stalking, at the recommendation of Attorney Christine Tenorio, who noted that Guam's family violence laws may not adequately capture victims of coercive control, harassment, or nonconsensual sexual contact;
- Clarified that a criminal conviction is not required for an act or conduct to constitute family violence, sexual assault, or stalking for the purposes of requesting release or transfer from a shared wireless plan, at the recommendation of Attorney Christine Tenorio;
- Authorized a victim's attorney or victim advocate to submit the opt-out request to service providers along with any required documentation, at the recommendation of Attorney Shannon J. Taitano, Office of the Attorney General;
- Removed the signed affidavit requirement for a licensed medical or mental health care provider, employee of a court acting within the scope of their employment, social worker, or advocate acting on behalf of an agency that assists family violence or victims of criminal sexual conduct; and replaced the requirement with a declaration made under penalty of perjury, at the recommendation of Attorney Shannon J. Taitano, who noted that a declaration may achieve the same purpose as a signed affidavit without additional barriers such as a notary requirement;
- Amended language under § 30.400 to reflect the current language in Haw. Rev. Stat. 269-16.93 (b) - (c), instead of the 2015 version of Haw. Rev. Stat. 269-16.93, on which the introduced version of Bill No. 242 was based;
- Accepted all technical changes relative to form and style, as recommended by Legislative Counsel.

The Committee hereby reports out Bill No. 242-36 (LS)- **As Amended by the Committee on Health, Land, Justice, and Culture-** *Introduced by Mary*

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*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 ADD A NEW ARTICLE 2 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS FROM SHARED WIRELESS PLANS,"** with the recommendation TO DO PASS .

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

**Bill No. 242-36 (LS)**

Introduced by:

Mary Camacho Torres 

Therese M. Terlaje 


Tina Rose Muña Barnes 

Amanda L. Shelton 


James C. Moylan 


Jose "Pedro" Terlaje 

V. Anthony Ada 

Frank F. Blas Jr. 

Clynton E. Ridgell 

Joe S. San Agustin 

Christopher M. Duenas 

**AN ACT TO ADD A NEW §40110 TO CHAPTER 40,  
TITLE 7, GUAM CODE ANNOTATED, AND TO  
FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
THE TRANSFER OR RELEASE OF FAMILY VIOLENCE  
VICTIMS FROM SHARED WIRELESS PLANS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that victims of family violence often lack viable options when establishing a plan to  
4 leave an abuser, due to barriers such as financial insecurity and limited access to  
5 reliable communications tools to maintain essential connections with family, social  
6 safety networks, employers, and support services. Independence of a wireless phone  
7 plan may often aid these victims in formulating and following through on a means

1 of escape, especially in situations where the abuser is the account manager or  
2 administrator of the cell phone plan, and as a result, may view any calls and account  
3 activity of phones associated with the shared or family plan.

4 *I Liheslaturan Guåhan* duly recognizes that a variety of options should be  
5 afforded to victims of family violence when seeking to be released from a shared or  
6 family mobile phone plan. The purpose of this Act is to assist victims of violence by  
7 authorizing the Court to issue an order requiring wireless telecommunications  
8 service providers to transfer billing authority and all rights to the wireless numbers  
9 of a shared wireless plan to a petitioner who has been granted an order of protection,  
10 or remove or release a petitioner from a shared wireless plan and assign a substitute  
11 telephone number or numbers.

12 While seeking a court order to be released from a shared wireless plan is a  
13 viable option, *I Liheslatura* further recognizes that some victims of family violence  
14 may not be willing or financially able to obtain a court order. Accordingly, another  
15 option for a victim of family violence is to submit an opt-out request to be released  
16 from a shared or family mobile phone plan, especially under limited time constraints.  
17 The purpose of this Act, therefore, is to also assist victims of family violence by  
18 providing victims with options to be released from shared or family cellular phone  
19 plans.

20 **Section 2.** A new §40110 is hereby *added* to Chapter 40 of Title 7, Guam  
21 Code Annotated, to read:

22 **“§40110. Transfer or Release of Family Violence Victims from Shared**  
23 **Wireless Plans.**

24 (a) For purposes of this Section:

25 (1) “Wireless telecommunications service” shall have the same  
26 meaning as “commercial mobile radio service” as defined in 47 C.F.R. § 20.3.

1           (2) “Wireless telecommunications service provider” means a provider  
2           of wireless telecommunications service.

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

5           (1) Transfer the billing authority and all rights to the wireless telephone  
6           number or numbers of a shared wireless plan to a petitioner who has been  
7           granted an order for protection pursuant to this Chapter if the petitioner is not  
8           the account holder of the shared wireless plan; provided that if the petitioner  
9           is not the protected party named in the order for protection, the billing  
10           authority and rights to the wireless telephone number or numbers of a shared  
11           wireless plan may be transferred to another person who shall serve as the  
12           account holder, as requested by or on behalf of the protected party with the  
13           protected party’s approval; or

14           (2) Remove or release the petitioner from a shared wireless plan and  
15           assign a substitute telephone number or numbers; provided that if the  
16           petitioner is not the protected party named in the order for protection, the court  
17           may order that the protected party be removed or released from a shared  
18           wireless plan and assigned a substitute telephone number or numbers and  
19           order a person, as requested by or on behalf of the protected party with the  
20           protected party’s approval, to be the account holder for the substitute  
21           telephone number or numbers.

22           (c) The order issued pursuant to subsection (b) shall be a separate order that  
23           is directed to the wireless telecommunications service provider. The order shall list  
24           the name and billing telephone number of the account holder, the name of the person  
25           to whom the telephone number or numbers will be transferred, and each telephone  
26           number to be transferred.



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

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

8        **“§ 30.400. Release of Family Violence Victims from Shared Wireless**  
9 **Plans.**

10        (a) For purposes of this Section:

11                (1) “Family violence” shall have the same meaning as defined in §30.10  
12 of Chapter 30, Title 9, Guam Code Annotated.

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

15                (3) “Wireless telecommunications service provider” means a provider  
16 of wireless telecommunications service.

17        (b) All wireless telecommunications service providers shall release, without  
18 charge, penalty, or fee, any victim of family violence from a shared or family  
19 wireless service contract involving the victim’s abuser; provided that the victim  
20 submits an opt-out request in writing and with evidence of family violence as  
21 documented by any of the following items:

22                (1) Valid police report documenting an instance or series of instances  
23 of family violence;

24                (2) Valid order of protection;

25                (3) Signed affidavit from a licensed medical or mental health care  
26 provider, employee of a court acting within the scope of their employment,

1 social worker, or advocate acting on behalf of an agency that assists family  
2 violence or sexual assault victims.

3 (c) Any victim of family violence who submits an opt-out request to a wireless  
4 telecommunications service provider pursuant to subsection (b) may further request  
5 a substitute or new phone number or alternative telecommunications service. Upon  
6 such request, the wireless telecommunications service provider shall provide a  
7 substitute or new phone number or alternative telecommunications service without  
8 charge, penalty, or fee and within twenty-four (24) hours from the time the opt-out  
9 request is submitted to the wireless telecommunications service provider.

10 (d) A wireless telecommunications service provider shall make information  
11 about the options and process described in subsections (b) and (c) readily available  
12 to consumers—

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

14 (2) in physical stores; and

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

16 (e) A wireless telecommunications service provider shall treat any  
17 information submitted by a victim under subsection (b) as confidential.

18 (f) A wireless telecommunications service provider and any officer, director,  
19 employee, vendor, or agent thereof shall not be subject to liability for any claims  
20 deriving from an action taken or omission made with respect to compliance with  
21 subsections (b) or (c).”

22 **Section 4. Effective Date.** This Act shall take effect thirty (30) calendar  
23 days upon enactment.

24 **Section 5. Severability.** If any provision of this Act or its application to  
25 any person or circumstance is found to be invalid or contrary to law, such invalidity  
26 *shall not* affect other provisions or applications of this Act that can be given effect

- 1 without the invalid provision or application, and to this end the provisions of this
- 2 Act are severable.

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

**Bill No. 242-36 (LS)**

As Amended by the Committee on  
Health, Land, Justice, and Culture

Introduced by:

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

**AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40,  
TITLE 7, GUAM CODE ANNOTATED, AND TO  
FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
THE TRANSFER OR RELEASE OF FAMILY  
VIOLENCE, SEXUAL ASSAULT, AND STALKING  
VICTIMS FROM SHARED WIRELESS PLANS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that victims of family violence, sexual assault, and stalking often lack viable options when establishing a plan to leave an abuser, due to barriers such as financial insecurity and limited access to reliable communications tools to maintain essential connections with family, social safety networks, employers, and support services. Independence of a wireless phone plan may often aid these victims in formulating

1 and following through on a means of escape, especially in situations where the  
2 abuser is the account manager or administrator of the cell phone plan, and as a result,  
3 may view any calls and account activity of phones associated with the shared or  
4 family plan.

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

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

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

23 **“ARTICLE 2**  
24 **TRANSFER OR RELEASE OF VICTIMS FROM**  
25 **SHARED WIRELESS PLANS**  
26

1           **§ 40201. Definitions.**

2           **§ 40202. Transfer or Release from Shared Wireless Plan.**

3           **§ 40203. Conviction Not Required.**

4  
5           **§ 40201. Definitions.** For purposes of this Article,

6           (a)    “Family violence” means any act or conduct described in 9 GCA  
7           § 30.10(a);

8           (b)    “Sexual assault” means any act or conduct described in 9 GCA  
9           § 25.15, §25.20, § 25.25, § 25.30, § 25.35, and § 25.40;

10          (c)    “Stalking” means any act or conduct described in 9 GCA § 19.70;

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

13          (e)    “Wireless telecommunications service provider” means a  
14          provider of wireless telecommunications service.

15               **§ 40202. Conviction Not Required.** Nothing in § 40201 shall be  
16          construed to require a criminal conviction in order for an act or conduct to  
17          constitute family violence, sexual assault, or stalking.

18               **§ 40203. Transfer or Release from Shared Wireless Plan.**

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

21               (1)   Transfer the billing authority and all rights to the wireless  
22          telephone number or numbers of a shared wireless plan to a victim of  
23          family violence, sexual assault or stalking if the victim is not the  
24          account holder of the shared wireless plan or to another person who  
25          shall serve as the account holder, as requested by or on behalf of the  
26          victim with the victim’s approval; or

1                   (2) Remove or release the victim of family violence, sexual  
2 assault, or stalking from a shared wireless plan and assign a substitute  
3 telephone number or numbers.

4                   (b) The order issued pursuant to subsection (a) shall be a separate  
5 order that is directed to the wireless telecommunications service provider. The  
6 order shall list the name and billing telephone number of the account holder,  
7 the name of the person to whom the telephone number or numbers will be  
8 transferred, and each telephone number to be transferred.

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

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

17                   **“§ 30.400. Release of Victims from Shared Wireless Plans.**

18                   (a) For purposes of this Section:

19                   (1) “Abuser” means an individual who has committed or  
20 allegedly committed an act or conduct described in § 30.400(a)(2)-(4);

21                   (2) “Family violence” means any act or conduct described in  
22 9 GCA § 30.10(a);

23                   (3) “Sexual assault” means any act or conduct described in 9  
24 GCA § 25.15, §25.20, § 25.25, § 25.30, § 25.35, and § 25.40;

25                   (4) “Stalking” means any act or conduct described in 9 GCA  
26 § 19.70;



1                   (5) “Wireless telecommunications service” shall have the  
2 same meaning as “commercial mobile radio service” as defined in 47  
3 C.F.R. § 20.3.

4                   (6) “Wireless telecommunications service provider” means a  
5 provider of wireless telecommunications service.

6                   (b) Nothing in subsection (a) shall be construed to require a criminal  
7 conviction in order for an act or conduct to constitute family violence, sexual  
8 assault, or stalking.

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

16                   (1) Valid police report documenting an instance or series of  
17 instances of family violence, sexual assault, or stalking;

18                   (2) Valid court order of protection; or

19                   (3) A declaration under penalty of perjury from a licensed  
20 medical or mental health care provider, employee of a court acting  
21 within the scope of their employment, social worker, or advocate acting  
22 on behalf of an agency that assists family violence or victims of  
23 criminal sexual conduct.

24                   (d) When an opt-out request is submitted to a wireless  
25 telecommunications service provider pursuant to subsection (c), the wireless  
26 telecommunications service provider shall, within forty-eight (48) hours from

1 the time the opt-out request is submitted to the wireless telecommunications  
2 service provider:

3 (1) Transfer the billing authority and all rights to the wireless  
4 telephone number or numbers of a shared wireless plan to the person  
5 who has been granted the release pursuant to subsection (c), if such a  
6 transfer is requested by or on behalf of the victim with the victim's  
7 approval; or

8 (2) Remove or release the person, who has been granted the  
9 release pursuant to subsection (c), from a shared wireless plan and  
10 assign a substitute telephone number or numbers, without charge,  
11 penalty, or fee.

12 (e) A wireless telecommunications service provider shall make  
13 information about the options and process described in subsections (c) and (d)  
14 readily available to consumers:

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

16 (2) in physical stores; and

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

18 (f) A wireless telecommunications service provider shall treat any  
19 information submitted by a victim under subsection (c) as confidential.

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

24 **Section 4. Effective Date.** This Act shall take effect thirty (30) calendar  
25 days upon enactment.

26 **Section 5. Severability.** If any provision of this Act or its application to any

1 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
2 not affect other provisions or applications of this Act that can be given effect without  
3 the invalid provision or application, and to this end the provisions of this Act are  
4 severable.

**MARK UP VERSION OF BILL 242-36 (LS)**

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

**Bill No. 242-36 (LS)**

As Amended by the Committee on  
Health, Land, Justice, and Culture

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Introduced by:

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

AN ACT TO *ADD* A NEW **ARTICLE 2** TO CHAPTER 40,  
TITLE 7, GUAM CODE ANNOTATED, AND TO  
FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
THE TRANSFER OR RELEASE OF FAMILY  
VIOLENCE, **SEXUAL ASSAULT, AND STALKING**  
VICTIMS FROM SHARED WIRELESS PLANS.

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

that victims of family violence, sexual assault, and stalking often lack viable options  
when establishing a plan to leave an abuser, due to barriers such as financial  
insecurity and limited access to reliable communications tools to maintain essential  
connections with family, social safety networks, employers, and support services.  
Independence of a wireless phone plan may often aid these victims in formulating

1 and following through on a means of escape, especially in situations where the  
2 abuser is the account manager or administrator of the cell phone plan, and as a result,  
3 may view any calls and account activity of phones associated with the shared or  
4 family plan.

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

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

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

23 **“ARTICLE 2**  
24 **TRANSFER OR RELEASE OF VICTIMS FROM**  
25 **SHARED WIRELESS PLANS**  
26

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1 § 40201. Definitions.

2 § 40202. Transfer or Release from Shared Wireless Plan.

3 § 40203. Conviction Not Required.

4  
5 § 40201. Definitions. For purposes of this Article,

6 (a) “Family violence” means any act or conduct described in 9 GCA  
7 § 30.10(a);

8 (b) “Sexual assault” means any act or conduct described in 9 GCA  
9 § 25.15, § 25.20, § 25.25, § 25.30, § 25.35, and § 25.40;

10 (c) “Stalking” means any act or conduct described in 9 GCA § 19.70;

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

13 (e) “Wireless telecommunications service provider” means a  
14 provider of wireless telecommunications service.

15 § 40202. Conviction Not Required. Nothing in § 40201 shall be  
16 construed to require a criminal conviction in order for an act or conduct to  
17 constitute family violence, sexual assault, or stalking.

18 § 40203. Transfer or Release from Shared Wireless Plan.

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

21 (1) Transfer the billing authority and all rights to the wireless  
22 telephone number or numbers of a shared wireless plan to a victim of  
23 family violence, sexual assault or stalking if the victim is not the  
24 account holder of the shared wireless plan or to another person who  
25 shall serve as the account holder, as requested by or on behalf of the  
26 victim with the victim’s approval; or

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

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

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

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

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

(a) For purposes of this Section:

(1) “Abuser” means an individual who has committed or allegedly committed an act or conduct described in § 30.400(a)(2)-(4);

(2) “Family violence” means any act or conduct described in 9 GCA § 30.10(a);

(3) “Sexual assault” means any act or conduct described in 9 GCA § 25.15, § 25.20, § 25.25, § 25.30, § 25.35, and § 25.40;

(4) “Stalking” means any act or conduct described in 9 GCA § 19.70;

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**Deleted:** ; provided that if the petitioner is not the protected party named in the order for protection, the court may order that the protected party be removed or released from a shared wireless plan and assigned a substitute telephone number or numbers and order a person, as requested by or on behalf of the protected party with the protected party’s approval, to be the account holder for the substitute telephone number or numbers...

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**Deleted:** Family Violence

**Deleted:** “Family violence” shall have the same meaning as defined in § 30.10(a) of Chapter 30, Title 9, Guam Code Annotated.



1 (5) “Wireless telecommunications service” shall have the  
2 same meaning as “commercial mobile radio service” as defined in 47  
3 C.F.R. § 20.3.

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4 (6) “Wireless telecommunications service provider” means a  
5 provider of wireless telecommunications service.

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6 (b) Nothing in subsection (a) shall be construed to require a criminal  
7 conviction in order for an act or conduct to constitute family violence, sexual  
8 assault, or stalking.

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

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16 (1) Valid police report documenting an instance or series of  
17 instances of family violence, sexual assault, or stalking;

18 (2) Valid court order of protection; or

19 (3) A declaration under penalty of perjury from a licensed  
20 medical or mental health care provider, employee of a court acting  
21 within the scope of their employment, social worker, or advocate acting  
22 on behalf of an agency that assists family violence or victims of  
23 criminal sexual conduct.

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24 (d) When an opt-out request is submitted to a wireless  
25 telecommunications service provider pursuant to subsection (c), the wireless  
26 telecommunications service provider shall, within forty-eight (48) hours from

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1 the time the opt-out request is submitted to the wireless telecommunications  
2 service provider:

3 (1) Transfer the billing authority and all rights to the wireless  
4 telephone number or numbers of a shared wireless plan to the person  
5 who has been granted the release pursuant to subsection (c), if such a  
6 transfer is requested by or on behalf of the victim with the victim's  
7 approval; or

8 (2) Remove or release the person, who has been granted the  
9 release pursuant to subsection (c), from a shared wireless plan and  
10 assign a substitute telephone number or numbers, without charge,  
11 penalty, or fee.

12 (e) A wireless telecommunications service provider shall make  
13 information about the options and process described in subsections (c) and (d)  
14 readily available to consumers:

- 15 (1) on its website and any mobile application of the provider;  
16 (2) in physical stores; and  
17 (3) in other forms of public-facing consumer communication.

18 (f) A wireless telecommunications service provider shall treat any  
19 information submitted by a victim under subsection (c) as confidential.

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

24 **Section 4. Effective Date.** This Act shall take effect thirty (30) calendar  
25 days upon enactment.

26 **Section 5. Severability.** If any provision of this Act or its application to any

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**Deleted:** Any victim of family violence who submits an opt-out request to a wireless telecommunications service provider pursuant to subsection (b) may further request a substitute or new phone number or alternative telecommunications service. Upon such request, the wireless telecommunications service provider shall provide a substitute or new phone number or alternative telecommunications service without charge, penalty, or fee and within twenty-four (24) hours from the time the opt-out request is submitted to the wireless telecommunications service provider.

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**Deleted:** A wireless telecommunications service provider and any officer, director, employee, vendor, or agent thereof shall not be subject to liability for any claims deriving from an action taken or omission made with respect to compliance with subsections (b) or (c).

1 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
2 not affect other provisions or applications of this Act that can be given effect without  
3 the invalid provision or application, and to this end the provisions of this Act are  
4 severable.



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÅTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

February 8, 2022

# MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**From:** **Senator Amanda L. Shelton**  
Acting Chairperson, Committee on Rules

**Re:** **Fiscal Note Waivers for Bill Nos. 242-36 (LS) and 243-36 (LS)**

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*Håfa adai,*

Attached, please find the fiscal note waivers for the following bills:

**Bill No. 242-36 (LS)**

**Bill No. 243-36 (LS)**

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.





## BUREAU OF BUDGET & MANAGEMENT RESEARCH

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



LOURDES A. LEON GUERRERO  
GOVERNOR

JOSHUA F. TENORIO  
LIEUTENANT GOVERNOR

LESTER L. CARLSON, JR.  
DIRECTOR

**FEB 07 2022**

Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules  
*I Mina'trentai Sais Na Liheslaturan Guåhan*  
Thirty-Sixth Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

*Hafa adai*, Vice Speaker Muña Barnes:

The Bureau requests that Bill No. 242-36(LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 242-36(LS) is an act to add a new §40110 Chapter 40, Title 7 Guam Code Annotated, and to further add a new § 30.400 to Chapter 30 of Title 6, Guam Code Annotated, relative to the transfer or release of family violence victims from shared wireless plans.

In correspondence with the Unified Judiciary of Guam, this bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

*Senseramente*,

LESTER L. CARLSON, JR.



Office of the Speaker  
**THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guahan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

**COMMITTEE VOTE SHEET**

Bill No. 242-36 (LS)- *As Amended by the Committee on Health, Land, Justice, and Culture*- Introduced by 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 ADD A NEW ARTICLE 2 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS FROM SHARED WIRELESS PLANS"**

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>Speaker Therese M. Terlaje</b> Chairperson	<i>Therese M. Terlaje</i> 5.11.22			×		
<b>Senator Sabina Flores Perez</b> Vice Chairperson of Health, Land and Culture	E-VOTE 5.12.22	×				
<b>Senator Telena C. Nelson</b> Vice Chairperson of Justice						
<b>Vice Speaker Tina Muña Barnes</b> Member	E-VOTE 5.11.22	×				
<b>Senator Joanne M. Brown</b> Member	E-VOTE 5.13.22	×				
<b>Senator Christopher M. Dueñas</b> Member	E-VOTE 5.12.22	×				
<b>Senator Amanda L. Shelton</b> Member						
<b>Senator Telo T. Taitague,</b> Member	E-VOTE 5.11.22			×		
<b>Senator Jose "Pedro" Terlaje</b> Member	E-VOTE 5.11.22	×				

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

*\*For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,  
please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*



Speaker Therese M. Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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**REQUEST FOR E-VOTE: BILL NO. 242-35 (LS)- AS AMENDED**7 messages

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**Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Tue, May 10, 2022 at 8:11 PM

To: Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Telen C. Nelson" <senatortcnelson@gmail.com>, Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joanne M. Brown" <office@senatorjoannebrown.com>, Chris Duenas <senatorchrisduenas@gmail.com>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>  
Cc: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

*Hafa Adai* Committee Members,

Please see attached Committee Report on *Bill No. 242-36 (LS)- As Amended by the Committee on Health, Land, Justice, and Culture- Introduced by 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 ADD A NEW ARTICLE 2 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS FROM SHARED WIRELESS PLANS."***

Please indicate your preferred action from the following;

- ☐ TO DO PASS
- ☐ TO DO NOT PASS
- ☐ TO REPORT OUT ONLY
- ☐ TO ABSTAIN;
- ☐ TO PLACE IN INACTIVE FILE

Should you have any questions, please do not hesitate to contact our office.

Respectfully,  
Charissa L. Manibusan  
Committee Director



**Office of Speaker Therese M. Terlaje****Committee on Health, Land, Justice and Culture***I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**COMMITTEE REPORT\_BILL 242-36 (LS) AS AMENDED.pdf**

5755K

**Senator Pedo Terlaje** <senatorpedo@senatorjpterlaje.com>

Tue, May 10, 2022 at 8:22 PM

To: "Speaker Therese M. Terlaje" &lt;senatorterlajeguam@gmail.com&gt;

Cc: Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Telen C. Nelson" <senatortcnelson@gmail.com>, Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joanne M. Brown" <office@senatorjoannebrown.com>, Chris Duenas <senatorchrisduenas@gmail.com>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>

To do pass.

[Quoted text hidden]

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**The Office of Senator Jose "Pedo" Terlaje**

Committee on Public Safety, Emergency Response,

Military and Veterans Affairs, Mayors' Council, and Public Transit

36th Guam Legislature

*I Mina'trentai Sais na Liheslaturan Guåhan*[777 Route 4](#), MVP Center - Units 101/ 102, Sinajana, GU 96910

Tel: (671) 989-5301/ 3218

Email: [senatorpedo@senatorjpterlaje.com](mailto:senatorpedo@senatorjpterlaje.com)**Vice Speaker Tina Rose Muña Barnes** <senatormunabarnes@guamlegislature.org>

Tue, May 10, 2022 at 8:34 PM

To: "Speaker Therese M. Terlaje" &lt;senatorterlajeguam@gmail.com&gt;

Cc: Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Telen C. Nelson" <senatortcnelson@gmail.com>, Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>, "Honorable Joanne M. Brown" <office@senatorjoannebrown.com>, Chris Duenas <senatorchrisduenas@gmail.com>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jose Pedo Terlaje <senatorpedo@senatorjpterlaje.com>

To do pass.



*Sinseru yan Minagåhet,*

**Office of the Vice Speaker • Tina Rose Muña Barnes**

Committee on Rules

Committee on Public Accountability, Human Resource, Guam Buildup, Hagåtña Revitalization,  
Regional Affairs, Public Library, Telecommunications, and Technology

36th Guam Legislature

**I Mina'trentai Sais na Liheslaturan Guåhan**

Guam Congress Building | **163 Chalan Santo Papa | Hagåtña, GU 96910**

[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hægu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi, put fabot ago' guatu gi I numa'huyong gi as [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org) yan despues destrosa todú siha I kopian mensåhi. Si Yu'os ma'åse'.

On Wed, May 11, 2022 at 11:12 AM Speaker Therese M. Terlaje <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)> wrote:

[Quoted text hidden]

**Senator Telo Taitague** <[senatortelot@gmail.com](mailto:senatortelot@gmail.com)>

Tue, May 10, 2022 at 9:59 PM

To: "Speaker Therese M. Terlaje" <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)>

To report out only.

***Si Yu'os Ma'åse,***

***Create a Great Day!***

*Senator Telo T. Taitague*

36th Guam Legislature

Suite 309 DNA Building

**238 Archbishop Flores St.**

**Hagatna, Guam 96910**

Tel: (671) 989-8356

Email: [senatortelot@gmail.com](mailto:senatortelot@gmail.com)

[Quoted text hidden]

**Chris Duenas** <[senatorchrisduenas@gmail.com](mailto:senatorchrisduenas@gmail.com)>

Wed, May 11, 2022 at 6:50 PM

To: "Speaker Therese M. Terlaje" <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)>

Hafa Adai,

To Do Pass.

*Si Yu'os Ma'åse',*



**Office of Senator Christopher M. Dueñas**

36th Guam Legislature

*I Mina'trentai Sais Na Liheslaturan Guåhan*

(671) 989-9554 - **116 Chalan Santo Papa, Hagatna**

[senatorchrisduenas@gmail.com](mailto:senatorchrisduenas@gmail.com)

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[Quoted text hidden]

**Office of Senator Joanne M. Brown** <[office@senatorjoannebrown.com](mailto:office@senatorjoannebrown.com)>

Thu, May 12, 2022 at 1:13 PM

To: Vice Speaker Tina Rose Muña Barnes <[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)>

Cc: "Speaker Therese M. Terlaje" <[senatorterlajegum@gmail.com](mailto:senatorterlajegum@gmail.com)>, Sabina Perez <[sabina@senatorperez.org](mailto:sabina@senatorperez.org)>, Senator Sabina Perez <[office@senatorperez.org](mailto:office@senatorperez.org)>, "Office of Senator Telena C. Nelson" <[senatortcnelson@gmail.com](mailto:senatortcnelson@gmail.com)>, Senator Telena Cruz Nelson <[senatortcnelson@guamlegislature.org](mailto:senatortcnelson@guamlegislature.org)>, Chris Duenas <[senatorchrisduenas@gmail.com](mailto:senatorchrisduenas@gmail.com)>, "Amanda S. Shelton" <[senatorshelton@guamlegislature.org](mailto:senatorshelton@guamlegislature.org)>, Office of Senator Shelton Guam Legislature <[officeofsenatorshelton@guamlegislature.org](mailto:officeofsenatorshelton@guamlegislature.org)>, Senator Telo Taitague <[senatortelot@gmail.com](mailto:senatortelot@gmail.com)>, Senator Jose Pedro Terlaje <[senatorpedo@senatorjpterlaje.com](mailto:senatorpedo@senatorjpterlaje.com)>

Hafa Adai,

To Do Pass.

Very Respectfully,

**Tracey Aguerro**

Office Manager

Office of Senator Joanne M. Brown | *I Mina' Trentai Sais Na Liheslaturan Guåhan (36th Guam Legislature)*

**120 Father Dueñas Avenue**

Capitol Plaza Building, Suite 103

Hagåtña, Guam 96932

Telephone: (671) 647-1409

**Hafa Adai! Except with respect to public records exempt from disclosure by express provisions of the law, please be advised that, as an official office of the Legislative Branch of the Government of Guam, this electronic communication, is subject to the laws, rules and regulations governing the Sunshine Reform Act, and any other processes and procedures carried out in the spirit of an open and transparent government.**

[Quoted text hidden]

**Sabina Perez** <[sabina@senatorperez.org](mailto:sabina@senatorperez.org)>

Wed, May 11, 2022 at 8:56 PM

To: "Speaker Therese M. Terlaje" <[senatorterlajegum@gmail.com](mailto:senatorterlajegum@gmail.com)>

To do pass.

On Wed, May 11, 2022 at 11:12 AM Speaker Therese M. Terlaje <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)> wrote:

[Quoted text hidden]

--



**Senator Sabina Perez**

Office of Senator Sabina Perez

36th Guam Legislature • *I Mina'Trentai Sais na Liheslaturan Guåhan*

Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,  
Research, and Planning

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Website: [senatorperez.org](http://senatorperez.org)