

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 357-32 (COR)

Introduced by:

Michael F.Q. San Nicolas 


AN ACT TO PROVIDE TOURISTS WHO ARE
VICTIMS OF CRIME WITH EMERGENCY
ASSISTANCE, BY ADDING A NEW §30109 TO
CHAPTER 30, TITLE 11, GUAM CODE
ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act shall be cited as the "Responsible
3 Tourist Emergency Assistance Act."

4 Section 2. Legislative Findings and Intent. *I Liheslatura Guåhan*
5 finds the tourism industry is among the greatest drivers of Guam's
6 economy. Tourists are more likely to come to Guam for the first time or
7 have a repeat visit if they feel safe and are treated well.

8 *I Liheslatura* finds that when tourists are victims of crime, they do not
9 have the usual support mechanisms of family and community that can help
10 them get through the burdens that their victimization brings onto them.
11 Tourists from new tourism markets, like Russia and the People's Republic
12 of China, do not have a consulate on Guam to turn to for help.

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1 It is therefore the intent of *I Liheslaturan Guåhan* that the Guam
2 Visitor’s Bureau establishes a response capability to help tourists who have
3 been victims of crime during their stay on Guam.

4 **Section 3. Tourist Emergency Assistance.** A *new* §30109 is hereby
5 *added* to Chapter 30, Title 11, Guam Code Annotated, to read:

6 **“§ 30109. Tourist Emergency Assistance.**

7 (a) Tourist Emergency Expense Account. There is hereby
8 created separate and apart from all other governmental funds a
9 Tourist Emergency Expense Account (TEEA), which shall be a
10 subaccount to the Tourist Attraction Fund (TAF) administered by the
11 Guam Visitor’s Bureau to provide financial assistance, as needed, to
12 tourists who are victims of a crime on Guam during their vacation
13 stay. The account shall not be subject to the transfer authority of *I*
14 *Maga’lahen Guåhan*.

15 (b) Administration of the Tourist Emergency Expense Account.
16 On the beginning of each fiscal year, starting October 1, 2014, such
17 funds shall be transferred to the Tourist Emergency Expense Account
18 from the Tourist Attraction Fund as codified in § 30107 of this
19 Chapter to have a balance of one hundred thousand dollars
20 (\$100,000) in the account at the commencement of each fiscal year. If
21 the account is exhausted during the fiscal year, the Guam Visitor’s
22 Bureau may request additional funding be appropriated from the
23 Tourist Attraction Fund to the Tourist Emergency Expense Account

1 by *I Liheslatura*. Starting October 1, 2014 each fiscal year there shall
2 be authorized up to one hundred thousand dollars (\$100,000) from
3 the Tourist Emergency Expense Account to the Guam Visitor's
4 Bureau to provide financial assistance, as needed, to tourists who are
5 victims of a crime on Guam during their vacation stay.

6 (c) Certification and Reporting. The General Manager of the
7 Guam Visitor's Bureau shall appoint no less than two certifying
8 officers who shall jointly account for expenses paid out of the Tourist
9 Emergency Expense Account, as needed. Such expenses shall not be
10 subject to the provisions of Chapter 5 of Title 5, Guam Code
11 Annotated. At the end of each fiscal quarter, the Guam Visitor's
12 Bureau shall transmit to the Speaker of *I Liheslatura* a report of the
13 expenses paid out of the Tourist Emergency Expense Account by
14 object category and payee of each itemized expense.

15 (d) Qualification of a Tourist for Emergency Assistance. The
16 Guam Visitor's Bureau shall determine whether a tourist applying for
17 assistance is a bona fide victim of a crime during their stay on Guam.
18 A police report shall be sufficient evidence that a crime has been
19 committed against the tourist in question.

20 (e) Qualified Expenses. The following are qualified expenses for
21 the purposes of this Act for victims and their accompanying
22 dependents, as needed, provided that such expenses are not already
23 covered by any pre-existing travel insurance afforded to the victims.

1 Expenses are limited to the listed categories, and the Guam Visitor's
2 Bureau is encouraged and authorized to exercise prudence in
3 determining assistance rendered commensurate with the victim's
4 need on a case by case basis:

5 (1) Replacement costs for necessary travel documents
6 such as Visas or Passports, as needed. No other personal items
7 may be replaced.

8 (2) Lodging costs per night no greater than those
9 incurred on a per night basis prior to crime victimization, for
10 the remaining duration of the tourists' stay as evidenced by the
11 return date of their airline ticket, or the time required for
12 replacement of needed travel documents such as Visas or
13 Passports, as needed.

14 (3) Non-Lodging Per diem equal to the stated daily
15 federal rate for Guam, for the remaining duration of the victims
16 stay as evidenced by the return date of their airline ticket, or the
17 time required for the replacement of needed travel documents
18 such as Visas or Passports, as needed.

19 (4) Procurement of any necessary medical supplies or
20 services at the Guam Memorial Hospital or the Guam
21 Behavioral Health and Wellness Center in order to maintain a
22 level of health consistent with their general vitality prior to
23 victimization, or arising as a direct result of their victimization

1 not to exceed such time as required for their safe return, both as
2 needed.

3 (5) Additional travel accommodations arising from
4 victimization that include medical assistance limited only to the
5 victim, and such travel extension costs necessary due to time
6 delays in replacement of Visas or Passports, both as needed.

7 (6) Travel costs and other qualified expenses stated in
8 this Act for tourists who were witnesses or victims of crime to
9 provide their testimony during a court or jury trial, for
10 proceedings initiated by the Office of the Attorney General of
11 Guam, as needed.

12 (7) Procurement of necessary translation services from
13 the pool of translation service providers of record with the
14 Judiciary of Guam, for the purpose of facilitating any service
15 provisions identified herein, as needed.

16 (f) Cost Recovery. Notwithstanding any other provision of law,
17 the Guam Visitor's Bureau shall submit to the Attorney General of
18 Guam the costs incurred against the Tourist Emergency Expense
19 Account for recovery from associated perpetrators as part of their
20 adjudication. All such recoveries shall reimburse the Tourist
21 Attraction Fund."

1 **Section 4. Tourist Emergency Expense Account Audit.** *A new*
2 §30110 is hereby *added* to Chapter 30, Title 11, Guam Code Annotated, to
3 read:

4 “§ 30110. **Tourist Emergency Expense Account Audit.** The Office of
5 Public Accountability *shall*, on an annual basis, perform an audit on the
6 Tourist Emergency Expense Account and the compliance of expenditures
7 with § 30109 of Chapter 30 Title 11.”

8 **Section 5. Severability.** If any provision of this Act or its application
9 to any person or circumstance is found to be invalid or contrary to law,
10 such invalidity shall not affect other provisions or application of this Act
11 which can be given effect without the invalid provisions or application,
12 and to this end the provisions of this Act are severable.