


I Mina'trentai Singko 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
144-35 (COR)	James. C. Moylan	AN ACT TO ADD § 160.50.1, AND TO AMEND § 160.50(a), BOTH OF CHAPTER 160, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE BASIC BILL OF RIGHTS FOR VICTIMS, AND TO ESTABLISH PENALTIES FOR VIOLATIONS.	5/24/19 12:16 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. ~~144~~-35 (COR)

Introduced by:

James. C. Moylan 

2019 MAY 24 PM 12:16

AN ACT TO ADD § 160.50.1, AND TO AMEND § 160.50(o), BOTH OF CHAPTER 160, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE BASIC BILL OF RIGHTS FOR VICTIMS, AND TO ESTABLISH PENALTIES FOR VIOLATIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the protection and support of those victims who were casualties of heinous crimes needs to be paramount, hence the passage of the *Basic Bill of Rights for Victims* in 2004. Chapter 160 of Title 8, GCA outlines a number of other aspects to protect victims, their families and witnesses of such crimes from an array of issues from being aware of parole, escapes and prison releases. It further provides several pre-trial and trial phases to assure that the victim is treated with respect, fairness, and dignity, and to assure that a number of safeguards exist from the judicial and law enforcement aspect.

In some instances, rights afforded to the victim which are outlined in Chapter 160 of Title 8, GCA are violated, be it due to an oversight, or in certain cases, knowingly or intentionally. As vital and critical as the *Basic Bill of Rights for Victims* is portrayed, there are no mentions of penalties from those who breach the very rights and protections that the respective law establishes. Considering that

1 one of the primary objectives of Chapter 160 is intergovernmental cooperation in
2 assuring that rights and services are delivered to victims, it is only proper that fines
3 be established to create accountability in the process.

4 The Basic Bill of Rights for Victims mirrors 18 U.S. Code § 3771, which
5 established the Crime Victims' Rights for those victims of federal crimes, which
6 included protection from actions that may deter the victim from proceeding with
7 the trial against the defendant. Therefore it was critical to establish similar
8 language in the local law to also provide victims the protection from intimidation,
9 harassment, or abuse that may take place during the criminal justice process, thus
10 the importance of amending § 160.50(o) of Chapter 160, Title 8, GCA.

11 **Section 2.** § 160.50.1 of Chapter 160, Title 8, Guam Code Annotated is
12 hereby *added* to read as follows:

13 **“§ 160.50.1 Basic Bill of Rights for Victims. Penalties.**

14 (a) Any person or persons who knowingly or intentionally violates
15 any provisions of the Basic Bill of Rights for Victims, pursuant to § 160.50
16 of Chapter 160, Title 8, Guam Code Annotated, shall be guilty of a violation
17 punishable of a fine of One Thousand Dollars (\$1,000.00).

18 (b) Any person or persons who unknowingly or unintentionally
19 violates any provisions of the Basic Bill of Rights for Victims, pursuant to §
20 160.50 of Chapter 160, Title 8, Guam Code Annotated, shall be guilty of a
21 violation punishable of a fine of Two Hundred Dollars (\$200.00). This
22 penalty shall only apply to an individual who has the authority or job
23 description to deliver a respective section of the Basic Bill of Rights, and
24 because of an oversight, failed to provide the required service to the victim
25 or their family.”

26 **Section 3.** § 160.50(o) of Chapter 160, Title 8, Guam Code Annotated is
27 hereby *amended* to read as follows

1 (o) The right to be treated with fairness and respect for their dignity
2 and privacy, and to be free from intimidation, harassment, or abuse,
3 throughout the criminal justice process.

4 **Section 3. Severability.** If any provision of this Act or its application to
5 any person or circumstance is found to be invalid or contrary to law, such
6 invalidity *shall not* affect other provisions or applications of this Act that can be
7 given effect without the invalid provision or application, and to this end the
8 provisions of this Act are severable.

9 **Section 4. Effective Date.** The Act shall become effective immediately
10 upon enactment.