


I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 31 (COR)

Introduced by:

Ray Tenorio 

AN ACT TO ADD A NEW CHAPTER 26 TO 9GCA,
RELATIVE TO THE CRIME OF TRAFFICKING IN HUMANS

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 26 is added to 9GCA to read:

Chapter 26

Trafficking In Humans Prevention Act

§26100. Purposes The purposes of this Act are to combat trafficking in persons; to protect victims of human trafficking, assist them in the rebuilding of their lives, and to restore them to their inherent dignity; to ensure the just and effective punishment of traffickers; and to create an environment in which the abolition of human trafficking is effectuated.

§26101. Legislative Findings. *I Liheslaturan Guåhan* finds that:

(A) Throughout history, many regimes of power have used the law to countenance de jure slavery, and have thereby denied the rights and inherent dignity of whole classes of people.

(B) As a nation, our founding rests on the principle that all persons are created equal and endowed with certain unalienable rights that among these are life,

2009 JAN -5 PM 5:15
[Handwritten signature]

1 liberty and the pursuit of happiness. We are at our best as a people when we are
2 faithful to that principle and struggle to realize its promise for all persons.

3

4 (C) Throughout history, persons of power and evil intent have isolated and
5 coerced vulnerable individuals into exploitation, thereby preventing them from
6 knowing or enforcing their rights. Sometimes these perpetrators have operated on
7 the fringes of the law or have benefited from gaps in it, such as the restrictive
8 common-law definition of coercion requiring an imminent threat of physical harm.

9

10 (D) The Thirteenth Amendment is an act to fulfill our founding principle. It
11 mandates that “Neither slavery nor involuntary servitude . . . shall exist within the
12 United States or any place subject to their jurisdiction,” and it further obligates
13 Congress to enforce that mandate with “appropriate legislation.” This territory also
14 has an affirmative obligation to eradicate the badges and incidents of slavery.

15

16 (E) Trafficking in persons is a modern-day manifestation of slavery. It consists of
17 the exploitation of individuals in situations of commercial sex or forced labor for
18 the purpose of financial gain.

19

20 (F) The highest order of the territory is to fulfill the promise of our founding
21 principle. This fulfillment is achieved by, inter alia, restoring the liberty and
22 inherent dignity of an individual subjected to trafficking in persons.

23

24 (G) Every year traffickers in persons prey on hundreds of thousands of people
25 around the world. Traffickers operate within or across international and state
26 borders and usually target a society’s most vulnerable, most of whom are women

1 and children. They subject their victims to exploitation through labor trafficking or
2 commercial sex trafficking.

3

4 (H) In this country and territory, both US citizens and non-citizens may fall prey to
5 traffickers of persons.

6

7 (I) Vulnerable people are often trafficked or maintained in trafficking because they
8 do not know their rights or do not know how to assert their rights.

9

10 (J) Traffickers use various techniques to instill fear in victims and keep them
11 enslaved. Some traffickers keep their victims under lock and key. More frequently,
12 traffickers employ less obvious techniques including, inter alia, isolating their
13 victims from family and the public, confiscating passports, visas, driver's licenses,
14 or other identification documents, inflicting physical violence or the threat thereof
15 against victims or their family, threatening to use legal processes against them or
16 reporting them to law enforcement, immigration or juvenile authorities, fostering
17 addiction, controlling their access to addicted substances, and controlling their
18 funds.

19

20 (K) Many victims fear that their traffickers will exact retribution on their family
21 members, whether residing in this country or abroad.

22

23 (L) Victims of human trafficking typically endure terrible physical and mental
24 trauma. Victims often suffer from traumatic bonding (Stockholm Syndrome), post
25 traumatic stress disorder (PTSD), and other conditions resulting from the
26 psychological harm inflicted upon them. When rescued, the extent of this trauma

1 must be recognized and assessed; victims need to be provided immediate access to
2 stabilization services before they can effectively contribute to the investigation of
3 the crimes that have been perpetrated against them.

4

5 (M) Due to the fear instilled in them by the traffickers, and to the experiences in
6 foreign countries from which they came, victims often have a profound suspicion
7 of law enforcement and will not seek the protection of law enforcement officers
8 and agencies.

9

10 (N) Due to their fears and the psychological harms inflicted upon them, as noted in
11 the US State Department's 2007 Trafficking in Persons Report, trafficking victims
12 are unlikely to self-identify themselves as victims.

13

14 (O) Within the context of interactions with authorities, victims of human
15 trafficking must primarily be recognized as the victims of a serious crime, and
16 only secondarily as a witness to a crime. As stated in the 2007 Trafficking in
17 Persons Report:

18

19 *A government should provide efficient access to justice for these victims, if they so*
20 *choose, and access to shelter, medical care, legal aid, and psycho-social*
21 *counseling.*

22

23 As further stated in the 2007 Report:

24

25 *By placing the needs of victims front and center, victims of this heinous crime are*
26 *assured of the protection they so desperately need. Once given those assurances,*

1 *many victims step forward voluntarily and without pressure to become powerful*
2 *and confident witnesses....*

3

4 (P) Jurisprudence concerning the Thirteenth Amendment of the U.S. Constitution
5 holds that no person can consent to be enslaved, including agreement to debt
6 bondage, nor can a person under the age of eighteen (18) consent to participate in
7 commercial sex.

8

9 (Q) The federal Trafficking Victims Protection Act of 2000 is an act that fulfills
10 the promise of the Thirteenth Amendment at the national level. This Act seeks to
11 fulfill that promise within Guam.

12

13 **§26102. Definitions as used in this Chapter.** Definitions as used in this Chapter
14 are as follows:

15

16 (A) “Criminal Intimidation” is defined by §22.60 of 9GCA and includes but is not
17 limited to a threat to convey or publish any fact or purported fact tending to
18 subject any person to embarrassment, contempt, defamation, hatred, ridicule or
19 worry.

20

21 (B) “Coercion” means (a) threats of harm to or physical restraint against any
22 person; (b) any act, scheme, plan, or pattern intended to cause a person to believe
23 that performing, or failing to perform, an act would result in serious physical,
24 financial, or emotional harm or distress to or physical restraint against any person;
25 (c) the abuse or threatened abuse of the legal process; (d) knowingly destroying,
26 concealing, removing, confiscating or possessing any actual or purported passport,

1 labor or other immigration document, or other government identification
2 document (including but not limited to drivers licenses and birth certificates), of
3 another person; (e) facilitating or controlling a person's access to any addictive or
4 controlled substance other than for legal medical purposes; (f) Criminal
5 Intimidation; (g) demanding or claiming money, goods, or any other thing of value
6 from or on behalf of a prostituted person where such demand or claim arises from
7 or is directly related to the act of prostitution; (h) determining, dictating or setting
8 the price for which another person will engage in an act of prostitution with a third
9 party; (i) determining, dictating or setting the times at which another person will
10 be available to engage in an act of prostitution with a third party; (j) determining,
11 dictating or setting the places at which another person will be available for
12 solicitation of, or to engage in, an act of prostitution with a third party; or (k)
13 determining, dictating or setting the places at which another person will reside for
14 purposes of making such person available to engage in an act of prostitution with a
15 third party.

16
17 (C) "Commercial sex" means (a) (i) any sex, or other, act intended to appeal to the
18 sexual interests of any person or to arouse sexual excitement or gratification and
19 (ii) with respect to which value is directly or indirectly given, promised to, or
20 received by any person or with respect to which images or sounds are recorded or
21 transmitted for the purposes of directly or indirectly giving, promising, or
22 receiving value, or (b) any sex act intended to further a person's entry into, or
23 participation in, prostitution or pornography.

24

1 (D) "Financial harm" includes credit extortion, criminal violation of the usury
2 laws, employment contracts that violate the Statute of Frauds, or imposing or
3 threatening to impose a financial hardship on a person.

4
5 (E) "Forced labor" shall include debt bondage, involuntary servitude, peonage,
6 and slavery.

7
8 (F) "Legal process" refers to the criminal law, the civil law, or the regulatory
9 system of the federal government, any state, territory, district, commonwealth, or
10 trust territory therein, and any foreign government or subdivision thereof and
11 includes legal civil actions, criminal actions, and regulatory petitions or
12 applications.

13
14 (G) "Minor" means anyone under the age of eighteen (18).

15
16 (H) "Debt Bondage" means the status or condition of a debtor arising from a
17 pledge by the debtor of his or her personal services or of those of a person under
18 his or her control as a security for debt, if the value of those services as reasonably
19 assessed is not applied toward the liquidation of the debt or the length and nature
20 of those services are not respectively limited and defined;

21
22 (I) "Peonage" means holding someone against his or her will to pay off a debt.

23
24 (J) "Human Smuggling" means the transportation of a person across a border
25 illegally.

1 (K) “Trafficking in Persons” means commercial sex trafficking or labor
2 trafficking.

3

4 (L) Commercial sex trafficking is the:

5

6 (a)(i) Recruiting, enticing, harboring, maintaining, transporting, providing
7 or obtaining, by any means, another person (ii) through deception, force,
8 fraud, threat or coercion (iii) for purposes of engaging the person in a
9 commercial sex act; or

10

11 (b)(i) Recruiting, enticing, harboring, maintaining, transporting, providing
12 or obtaining, by any means, (ii) a person under the age of eighteen (18) (iii)
13 for purposes of engaging the person in a commercial sex act; or

14

15 (c) Receipt of money, goods, or acceptance of the promise thereof knowing
16 that such money, goods, or promise thereof arose from the trafficking of a
17 person for commercial sex.

18

19 (M) Labor trafficking is the:

20

21 (a)(i) Recruiting, enticing, harboring, maintaining, transporting, providing
22 or obtaining, by any means, another person (ii) through deception, force,
23 fraud, threat or coercion (iii) for purposes of engaging the person in forced
24 labor; or

25

1 (b) Receipt of money, goods, or acceptance of the promise thereof knowing
2 that such money, goods, or promise thereof arose from the trafficking of a
3 person for forced labor.
4

5 (N) "Victim of Trafficking" means:
6

7 (a) a person who has been (i) recruited, enticed, harbored, maintained,
8 transported, provided or obtained, by any means, (ii) through deception,
9 force, fraud, threat or coercion (iii) in order to be engaged in a commercial
10 sex act or forced labor; or
11

12 (b) a person under age eighteen (18) who has been recruited, enticed,
13 harbored, maintained, transported, provided or obtained, by any means for
14 purposes of a commercial sex act.
15

16 **§26103. Criminal Provisions**
17

18 (A) Trafficking for labor or services- Any person who knowingly trafficks a
19 person for labor or services shall be punished as follows:
20

21 1) Sentences to be in accordance with the Guam felony sentencing structure
22 and shall also take into account the length of the servitude and the overall
23 harm inflicted upon the victim.
24

25 2) The defendant shall be subject to enhanced penalties where the victim has
26 been subjected to assault or aggravated assault.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3) The defendant shall be subject to enhanced penalties where another person has been subjected to assault or aggravated assault where the purpose or effect has been to coerce another into, or maintain a person in, trafficking

4) The defendant shall be subject to enhanced penalties where the victim has been subjected to criminal sexual conduct as defined by 9GCA Chapter 25.

5) The defendant shall be subject to enhanced penalties where another person has been subjected to criminal sexual conduct as defined by 9GCA Chapter 25 where the purpose or effect has been to coerce another into, or maintain a person in, trafficking.

6) The defendant shall be subject to enhanced penalties where death results from a violation of this section or if such violation includes an attempt to kill, kidnapping or an attempt to kidnap.

7) The court shall order the defendant to pay restitution to any trafficking victim and any child of the victim who was under age eighteen (18) at any time during the trafficking in an amount equal to: (i) The greater of the gross income to the defendant as a result of the victim having been trafficked or the reasonable value of the victim's labor; plus (ii) The value of the victim's time under the greater of the federal or Guam wage laws and overtime regulations; plus (iii) an amount determined by the court to be

1 necessary for the mental and physical rehabilitation of the victim and any
2 child of the victim.

3
4 8) The court, in imposing sentence on any person convicted of a violation of
5 this Chapter, shall order, in addition to any other sentence imposed and
6 irrespective of any other provision of law, that such person shall forfeit to
7 the Government of Guam –

8
9 (i) such person's interest in any property, real or personal, that was
10 used or intended to be used to commit or to facilitate the commission
11 of such violation, and

12
13 (ii) any property, real or personal, constituting or derived from, any
14 proceeds that such person obtained, directly or indirectly, as a result
15 of such violation.

16
17 9) The first priority of such forfeited property shall be to pay the restitution
18 to the victims of the defendant and to satisfy civil judgments obtained
19 against the defendant under this Chapter.

20
21 (B) Trafficking for commercial sex- Any person who knowingly trafficks a person
22 for commercial sex shall be punished as follows:

23
24 1) Sentences to be in accordance with Guam felony sentencing structure and
25 shall also take into account the length of the servitude and the overall harm
26 inflicted upon the victim.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

2) The defendant shall be subject to enhanced penalties where the victim has been subjected to assault or aggravated assault.

3) The defendant shall be subject to enhanced penalties where another person has been subjected to assault or aggravated assault where the purpose or effect has been to coerce another into, or maintain a person in, trafficking.

4) The defendant shall be subject to enhanced penalties where the victim has been subjected to criminal sexual conduct as defined by 9GCA Chapter 25.

5) The defendant shall be subject to enhanced penalties where another person has been subjected to criminal sexual conduct as defined by 9GCA Chapter 25 where the purpose or effect has been to coerce another into, or maintain a person in, trafficking .

6) The defendant shall be subject to enhanced penalties where death results from a violation of this section or if such violation includes an attempt to kill, kidnapping or an attempt to kidnap.

7) The court shall order the defendant to pay restitution to any trafficking victim and any child of the victim who was under age eighteen (18) at any time during the trafficking in an amount equal to: (i) The gross income to the defendant as a result of the victim having been trafficked; plus (ii) The value of the victim's time under the greater of the federal or Guam wage laws and overtime regulations; plus (iii) an amount determined by the court to be

1 necessary for the mental and physical rehabilitation of the victim and any
2 child of the victim.

3
4 8) The court, in imposing sentence on any person convicted of a violation of
5 this chapter, shall order, in addition to any other sentence imposed and
6 irrespective of any other provision of law, that such person shall forfeit to the
7 Government of Guam –

8
9 (i) such person's interest in any property, real or personal, that was
10 used or intended to be used to commit or to facilitate the commission
11 of such violation, and

12
13 (ii) any property, real or personal, constituting or derived from, any
14 proceeds that such person obtained, directly or indirectly, as a result
15 of such violation.

16
17 9) The first priority of such forfeited property shall be to pay the restitution
18 to the victims of the defendant and to satisfy civil judgments obtained
19 against the defendant under this Chapter.

20
21 (C) Trafficking of a child for labor or services- Any person who knowingly
22 trafficks a person under age eighteen (18) for labor for services shall be punished
23 as follows:

1 1) Sentences to be in accordance with Guam felony sentencing structure and
2 shall also take into account the length of the servitude and the overall harm
3 inflicted upon the victim.

4
5 2) The defendant shall be subject to enhanced penalties where the victim has
6 been subjected to assault or aggravated assault.

7
8 3) The defendant shall be subject to enhanced penalties where another
9 person has been subjected to assault or battery where the purpose or effect
10 has been to coerce another into, or maintain a person in, trafficking.

11
12 4) The defendant shall be subject to enhanced penalties where the victim has
13 been subjected to criminal sexual conduct as defined by 9GCA Chapter 25.

14
15 5) The defendant shall be subject to enhanced penalties where another
16 person has been subjected to criminal sexual conduct as defined by 9GCA
17 Chapter 25 the purpose or effect has been to coerce another into, or maintain
18 a person in, trafficking.

19
20 6) The defendant shall be subject to enhanced penalties where death results
21 from a violation of this section or if such violation includes an attempt to
22 kill, kidnapping or an attempt to kidnap.

23
24 7) The court shall order the defendant to pay restitution to any trafficking
25 victim and any child of the victim who was under age eighteen (18) at any
26 time during the trafficking in an amount equal to: (i) The greater of the

1 gross income to the defendant as a result of the victim having been
2 trafficked or the reasonable value of the victim's labor; plus (ii) The value of
3 the victim's time under the greater of the federal or Guam wage laws and
4 overtime regulations; plus (iii) an amount determined by the court to be
5 necessary for the mental and physical rehabilitation of the victim and any
6 child of the victim.

7
8 8) The court, in imposing sentence on any person convicted of a violation of
9 this chapter, shall order, in addition to any other sentence imposed and
10 irrespective of any other provision of law, that such person shall forfeit to
11 the Government of Guam –

12
13 (i) such person's interest in any property, real or personal, that was
14 used or intended to be used to commit or to facilitate the commission
15 of such violation, and

16
17 (ii) any property, real or personal, constituting or derived from, any
18 proceeds that such person obtained, directly or indirectly, as a result
19 of such violation.

20
21 9) The first priority of such forfeited property shall be to pay the restitution
22 to the victims of the defendant and to satisfy civil judgments obtained
23 against the defendant under this Act.

24
25 (D) Trafficking of a child for commercial sex - Any person who trafficks a person
26 under age eighteen (18) for commercial sex shall be punished as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1) Sentences to be in accordance with Guam felony sentencing structure and shall also take into account the length of the servitude and the overall harm inflicted upon the victim.

2) The defendant shall be subject to enhanced penalties where the victim has been subjected to assault or aggravated assault.

3) The defendant shall be subject to enhanced penalties where another person has been subjected to assault or aggravated assault where the purpose or effect has been to coerce another into, or maintain a person in, trafficking.

4) The defendant shall be subject to enhanced penalties where the victim has been subjected to criminal sexual conduct as defined by 9GCA Chapter 25.

5) The defendant shall be subject to enhanced penalties where another person has been subjected to criminal sexual conduct as defined by 9GCA Chapter 25 where the purpose or effect has been to coerce another into, or maintain a person in, trafficking.

6) The defendant shall be subject to enhanced penalties where death results from a violation of this section or if such violation includes an attempt to kill, kidnapping or an attempt to kidnap.

1 7) The court shall order the defendant to pay restitution to any trafficking
2 victim and any child of the victim who was under age eighteen (18) at any
3 time during the trafficking in an amount equal to: (i) The gross income to
4 the defendant as a result of the victim having been trafficked; plus (ii) The
5 value of the victim's time under the greater of the federal or Guam wage
6 laws and overtime regulations; plus (iii) an amount determined by the court
7 to be necessary for the mental and physical rehabilitation of the victim and
8 any child of the victim.

9
10 8) The court, in imposing sentence on any person convicted of a violation of
11 this chapter, shall order, in addition to any other sentence imposed and
12 irrespective of any other provision of law, that such person shall forfeit to
13 the Government of Guam --

14
15 (i) such person's interest in any property, real or personal, that was
16 used or intended to be used to commit or to facilitate the commission
17 of such violation, and

18
19 (ii) any property, real or personal, constituting or derived from, any
20 proceeds that such person obtained, directly or indirectly, as a result
21 of such violation.

22
23 9) The first priority of such forfeited property shall be to pay the restitution
24 to the victims of the defendant and to satisfy civil judgments obtained
25 against the defendant under this Chapter.

1 10) It shall not be a defense that the defendant was unaware that the victim
2 was under age eighteen (18), nor shall it be a defense that the victim or
3 anyone acting on the victim's behalf gave consent.
4

5 (E) Any person who by force, criminal intimidation, criminal sexual conduct who
6 forces a child under the age of eighteen (18) to engage in an act of commercial
7 sex, as defined in this Chapter, shall be a felony in the first degree.
8

9 **§26104. Causes of Action**
10

11 (A) The Attorney General may bring a civil action in the Superior Court to recover
12 a civil penalty of not more than Two Hundred Fifty Thousand Dollars (\$250,000)
13 for each violation of the criminal acts defined by this Chapter committed in
14 conjunction with human trafficking, injunctive and other equitable relief as the
15 court may, in its discretion, may order. A criminal case or prosecution is not a
16 necessary precedent to such an action. The first priority of any money or property
17 collected under such an action shall be to pay the restitution to the victims of the
18 defendant and to satisfy civil judgments obtained against the defendant under this
19 Chapter.
20

21 (B) Any person aggrieved by a violation of section XX of this Act may bring a
22 civil action against the person or persons who committed such violation to recover
23 actual and punitive damages and reasonable attorneys' fees. A criminal case or
24 prosecution is not a necessary precedent to such an action. The statute of
25 limitations for such cause of action shall not commence until the latter of the
26 victim's emancipation from the defendant or the victim's twenty-first birthday.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

§26105. Enhanced Penalties. Any criminal violation committed in conjunction with a crime of human trafficking as provided for by §26103 of this Chapter, where “enhanced penalties” are indicated shall be imprisoned for a term of not less than five (5) years and no more than fifteen (15) years in addition to any term(s) of imprisonment imposed for the conviction of the underlying criminal act(s). Such term of imprisonment shall run consecutively to term(s) of imprisonment imposed for the conviction of the underlying criminal act(s).

§26106. Affirmative Defenses

(A) It shall be an affirmative defense for any victim of trafficking under any prosecution that such person was a victim of trafficking during the time of the alleged offense and that such crime was committed at the direction of the defendant or in furtherance of the trafficking enterprise.

§26105. Government of Guam Response to and Responsibilities for the Abolition of Human Trafficking.

(A) Within one (1) year from the enactment of this Chapter:

- 1) The Office of the Attorney General shall establish procedures for identifying victims of trafficking, including a list of all agencies and entities that should be trained on the issue. Such agencies shall include but not be limited to Guam law enforcement agencies, child protective services, juvenile courts, and runaway and homeless youth shelter administrators.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

2) The Office of the Attorney General shall compile a list of services and programs available to (i) victims of human trafficking with a T visa, federal continued presence status, or a federal Letter of Eligibility and (ii) to putative victims who have not received a designation in subparagraph (i); (iii) to US juvenile citizens or permanent residents who are victims; and (iv) US adult citizens or permanent residents.

3) The Director of the Department of Public Health and Social Services shall designate and train an employee, from within the Department, to serve as Trafficking Victims Director to track and coordinate the provision of services to victims and putative victims of human trafficking. The department shall develop procedures for providing assistance to persons who are putative victims, including assistance in obtaining full benefits and services under federal and Guam law.

4) The Department of Public Health and Social Services shall establish education programs and “standard operating procedures” for relevant department employees and contractors, including caseworkers, juvenile justice workers, healthcare workers and child protective service workers, for assisting, under federal and Guam law, and identifying trafficking victims.

5) The Department of Public Health and Social Services shall establish a program for the comprehensive care and treatment of child victims of commercial sex.

1 (B) With respect to child victims of commercial sex, no such victim shall be
2 charged or prosecuted under Guam criminal law on account of such acts.

3
4 (C) The referral of a child to the Trafficking Victims Director shall constitute
5 compliance with the territory's "must report" laws and regulations.

6
7 (D) Guam law enforcement agencies and child protective services shall report all
8 putative victims of human trafficking to the Trafficking Victims Director. If a
9 child victim falls under the jurisdiction of child protective services and the
10 Trafficking Victims Director, both offices shall work together to develop a care
11 and treatment plan to attain the best interests of the child.

12
13 (E) Guam legal assistance programs for victims of crime shall be available to
14 putative trafficking victims for purposes of obtaining assistance under this statute
15 and for purposes of pursuing civil actions against their defendants.

16
17 (F) The primary duty of the Trafficking Victims Director is to assist the victim in
18 recovering from the trafficking and in fully enjoying the rights and privileges
19 provided by the federal and Guam law.

20
21 (G) Victims' Rights:

22
23 1) Victims of human trafficking shall have the same rights as other victims
24 of a crime, including the right to receive victim compensation.

25

1 2) Victims of human trafficking shall also be entitled to basic information,
2 including but not limited to information on their legal rights, human rights,
3 immigration rights, emergency assistance and resources, and any other
4 applicable right and resources.

5
6 3) Any statement by a putative victim of human trafficking or the minor
7 child of such victim to a qualified social worker or case-worker, guardian
8 appointed under this title, or advocate is a privileged communication unless
9 waived by the victim's attorney, the adult victim, or the advocate or
10 guardian of a child victim.

11
12 4) Department of Public Health and Social Services employees and
13 contractors shall provide information and statements to a person or such
14 person's attorney, guardian, or legal representative for purposes of such
15 person's application for immigration relief or benefits under the TVPA or
16 other victim assistance law or regulation. Any statement made under this
17 subsection shall be privileged for purposes of any criminal or civil action.

18
19 5) The Trafficking Victims Director shall appoint an advocate who is not a
20 government of Guam or federal employee for putative child victims of
21 trafficking who shall have the authority to appoint and fire an attorney for
22 the child victim, and to authorize legal process and applications. Such
23 authority shall end when the advocate determines with the agreement of the
24 Director that the child is not a victim of trafficking, the child attains the age
25 of twenty-one (21), or thirty days after the child receives a T visa, a U visa,
26 a Letter of Eligibility, Continued Presence or Special Immigrant Juvenile

1 Status and is, pursuant to such receipt, placed in a suitable long-term care
2 situation including, but not limited to, the federal URM program.

3

4 6) Victims of human trafficking shall not be required to cooperate with law
5 enforcement in the investigation or prosecution of their traffickers as a
6 condition to receiving any social service or benefit, including legal services.