


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

Bill No. 57(COR)

Introduced by:

Ray Tenorio 

AN ACT TO ADD A NEW ARTICLE 3 IS ADDED TO CHAPTER 70
9GCA RELATIVE TO THE UNLAWFUL RELEASE OF A MINOR'S
IDENTIFYING INFORMATION.

2009 FEB - 4 AM 8:44 AM

1 BE IT ENACTED BY THE PEOPLE OF GUAM:
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3 Section 1. Article 3 is *added* to Chapter 70 of 9GCA to read:
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5 Article 3
6 Unlawful Release of a Minor's Identifying Information.
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8 §70301. Title. This Act may be cited as the Unlawful Release of a Minor's Identifying
9 Information.
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11 §70302. Restrictions on use of a Minor's Identifying Information
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13 (A) A person shall not knowingly select and place, or direct the placement, on the world
14 wide web of the identifying information of a minor if the dissemination of the identifying
15 information knowingly poses an imminent and serious threat to the minor's safety and the
16 person has knowledge of, and reckless disregard for, the serious and imminent threat.

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(B) For purposes of this section:

(1) “Minor” means any person under eighteen (18) years of age.

(2) “Identifying information” means the name of the public or private elementary, middle, or high school attended by a minor, a minor’s school address, home address, physical description of a minor, or photographs of a minor, and electronic identifiers.

(3) A violation of this section is a misdemeanor.

§70303. Civil Procedure and Relief.

(A) Whenever it appears that any person or organization is engaged in or about to engage in any act that constitutes or will constitute a violation of section §70302 of this Article, the prosecuting attorney or the parents or guardian of any minor harmed by an alleged violation of §70302 of this Article may initiate a civil proceeding in the Superior Court of Guam (the “court”) to enjoin such violation, and may petition the court to issue an order for the discontinuance of the dissemination of the information in violation of §70302 of this Article.

(B) An action under this section shall be brought in the Superior Court of Guam, and shall be commenced by the filing of a verified complaint, or shall be accompanied by an affidavit.

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(C) If it is shown to the satisfaction of the court, either by verified complaint or affidavit, that a person or organization is engaged in or about to engage in any act that constitutes a violation of §70302 of this Article, the court may issue a temporary restraining order to abate and prevent the continuance or recurrence of the act.

(D) The court may issue a permanent injunction to restrain, abate, or prevent the continuance or recurrence of the violation of §70302 of this Article. The court may grant declaratory relief, mandatory orders, or any other relief deemed necessary to accomplish the purposes of the injunction. The court may retain jurisdiction of the case for the purpose of enforcing its orders.

§70304. Damages. The parents or guardian of any minor whose identifying information is selected and placed online on the world wide web as described in §70302 of this Article and who suffers damages as a result of such conduct may bring an action against the person or organization who engaged in such conduct, for actual damages sustained plus damages in an amount not to exceed One Thousand Dollars (\$1,000.00) for each day the identifying information was made available on the world wide web, and reasonable attorney's fees and costs.

§70305. Non-liability of an interactive computer service. Nothing in this Chapter shall be construed to impose liability on an interactive computer service, as defined in 47 U.S.C. 230(f), for content provided by another person.