

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
175-34 (COR)	Therese M. Terlaje	AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE LAWS ARE ENFORCEABLE AND THAT FAMILY VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY AMENDING § 30.10 OF TITLE 9, GUAM CODE ANNOTATED	9/6/17 4:15 p.m.	09/13/17	Committee on Culture and Justice	9/28/17 5:30 p.m.	10/12/17 8:11 a.m. As Amended by the Committee on Culture and Justice	Fiscal Note Request 9/13/17 Fiscal Note Waiver 9/22/17	



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee

On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

October 11, 2017

The Honorable Régine Biscoe Lee

Acting Speaker

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: The Honorable Régine Biscoe Lee

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 175-34 (COR), As Amended by the Committee on Culture and Justice

Dear Acting Speaker Lee:

Transmitted herewith is the **Committee Report on Bill No. 175-34 (COR), As Amended by the Committee on Culture and Justice – Therese M. Terlaje – An act to ensure that Guam's Family Violence laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Chapter 30, Title 9, Guam Code Annotated.**

Committee votes are as follows:

<u>3</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Therese M. Terlaje



2017 OCT 12 AM 8:11
Fall

COMMITTEE REPORT ON

Bill No. 175-34 (COR) As Amended by the Committee on Culture and Justice

**“An Act to ensure that Guam’s
Family Violence laws are enforceable
and that family violence cases are
successfully prosecuted by amending
§ 30.10 of Chapter 30, Title 9, Guam
Code Annotated.”**



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee

On Culture and Justice

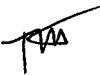
I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

October 11, 2017

MEMORANDUM

To: All Members
Committee on Culture and Justice

From: Vice Speaker Therese M. Terlaje 
Committee Chairperson

Subject: Committee Report on Bill No. 175-34 (COR), As Amended by the Committee on Culture and Justice

Transmitted herewith for your consideration is the Bill No. 175-34 (COR), As Amended by the Committee on Culture and Justice – Therese M. Terlaje – An act to ensure that Guam's Family Violence laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Chapter 30, Title 9, Guam Code Annotated.

This report includes the following:

- Copy of COR Referral of Bill No. 175-34 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Committee Vote Sheet
- Committee Report Digest
- Copies of Bill No. 175-34 (COR), As Introduced and As Amended by the Committee on Culture and Justice
- Copy of COR Pre-Referral Checklist on Bill No. 175-34 (COR)
- Related News Reports

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
T: (671) 472-3586 F: (671) 472-3589 Email: senatorterlajeguam@gmail.com
www.guamlegislature.com

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUÁTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

September 13, 2017

MEMO

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

Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 175-34 (COR)**

Buenas yan Háfa adai.

As per my authority as Chairperson of the Committee on Rules, I am forwarding the referral of **Bill No. 175-34 (COR)**.

Please ensure that the subject bill is referred, in my name, to **Vice Speaker Therese M. Terlaje, Chairperson of the Committee on Culture and Justice**.

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

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

If you have any questions or concerns, please feel free to contact Jean Cordero at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Régine Biscoe Lee
Chairperson, Committee on Rules



GUAM CONGRESS BUILDING • 163 CHALAN SANTO PAPA • HAGATNA, GUAM 96910
Telephone: (671) 472-3455 • Email address: corguamlegislature@gmail.com

I Mina'Trentai Ku'attro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	COMTEE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE RECONSIDERED	FOOA NOTES	NOTES
175-34 (COR)	Therese M. Terlaje	AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE LAWS ARE ENFORCEABLE AND THAT FAMILY VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY AMENDING § 30.10 OF TITLE 9, GUAM CODE ANNOTATED	9/6/17 4:15 p.m.	09/13/17	Committee on Culture and Justice				



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

FIRST NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

3 messages

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Sep 20, 2017 at 5:45 PM

To: phnotice@guamlegislature.org

Cc: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Bcc: Cynthia Cabot <cynthia@guamcoalition.org>, Maritess Veracruz <maritess@guamcoalition.org>, "GCO-FPO

Administrator: Raymond F.Y. Blas" <raymond.blas@guam.gov>, Evonnie Hocog <evonnie.hocog@guam.gov>, "Dwain P. Sanchez" <dwain.sanchez@guam.gov>

Håfa adai,

Please see pasted below and attached, a public hearing notice from Vice Speaker Therese M. Terlaje.

Should you have any questions, please contact our office.

Jocelyn de Guia
Policy Analyst

September 20, 2017

MEMORANDUMFrom: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: FIRST NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Thursday, September 28, 2017, beginning at 5:30 PM in I Liheslaturan Guåhan's Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via I Liheslaturan Guåhan's live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.
Si Yu'os Ma'åse

--
The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

Electronic Privacy Notice: *This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.*



First notice PH 9.28.17_Family Violence Bills.pdf
327K

Champaco, Carly <CChampaco@guam.gannett.com>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Thu, Sep 21, 2017 at 9:28 AM

Hafa Adai,

Thank you for sending this information. It has been added to our Government Meetings listing and will be published as soon as possible.

Please be aware that the listing runs on a space-available basis in print with new listings given priority.

Sincerely,

Carly Champaco

News Assistant

Pacific Daily News

 **Pacific Daily News**



W: (671) 479-0404

From: Senator Therese Terlaje <senatorterlajeguam@gmail.com>
Date: Wednesday, September 20, 2017 at 5:48 PM

To: "phnotice@guamlegislature.org" <phnotice@guamlegislature.org>

Cc: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

[Quoted text hidden]

[Quoted text hidden]

Tom Unsiog <sgtarms@guamlegislature.org>

Thu, Sep 21, 2017 at 10:16 AM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Confirming received and posted on the legislative calendar...si tom

[Quoted text hidden]



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

September 20, 2017

MEMORANDUM

From: Vice Speaker Therese M. Terlaje *TMS*
Chairperson, Committee on Culture and Justice

Subject: FIRST NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Thursday, September 28, 2017, beginning at 5:30 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

- **Bill No. 175-34 (COR):** An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- **Bill No. 177-34 (COR):** An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *I Liheslaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589 Email: senatorterlajeguam@gmail.com
www.senatorterlaje.com



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

SECOND NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Sep 26, 2017 at 8:25 AM

To: phnotice@guamlegislature.org

Cc: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Bcc: Taylor Amdal-Barela <taylor@guamcoalition.org>, "Pauline I. Untalan" <puntalan@guamag.org>, Joann Augustine <jaugustine@guamag.org>, alamorenaaii <alamorenaaii@guamcourts.org>, DPPCR <sgumataotao@guamcourts.org>, Harold Parker <harold.parker@guamlsc.org>, MiChelle Taitano <chellegu@gmail.com>

Håfa adai,

Please see pasted below and attached, a public hearing notice from Vice Speaker Therese M. Terlaje.

Should you have any questions, please contact our office.

Jocelyn de Guia
Policy Analyst

September 26, 2017

MEMORANDUMFrom: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: SECOND NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Thursday, September 28, 2017, beginning at 5:30 PM in / *Lihselaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

- **Bill No. 175-34 (COR):** An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- **Bill No. 177-34 (COR):** An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via / *Lihselaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests

that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

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

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

Electronic Privacy Notice: *This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.*



Second notice PH 9.28.17_Family Violence Bills.pdf

327K



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee

On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

September 26, 2017

MEMORANDUM

From: Vice Speaker Therese M. Terlaje *TM*
Chairperson, Committee on Culture and Justice

Subject: SECOND NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Thursday, September 28, 2017, beginning at 5:30 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

- **Bill No. 175-34 (COR):** An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- **Bill No. 177-34 (COR):** An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *I Liheslaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse

PHNOTICE Listing

30thguamyouthcongress@gmail.com
action@weareguahan.com
admin2@guamrealtors.com
admin@bbmr.guam.gov
admin@frankaguonjr.com
admin@guamrealtors.com
admin@weareguahan.com
aguon4guam@gmail.com
agusto.affaguc@gmail.com
ahernandez@guamlegislature.org
alerta.jermaine@gmail.com
alicto.rbl@gmail.com
am800guam@gmail.com
amandalee.shelton@mail.house.gov
amchorja@gmail.com
ann@toduguan.com
assist_editor@glimpesofguam.com
ataligba@gmail.com
av@guamlegislature.org
avillaverde@guamlegislature.org
avon.guam@gmail.com
barbaraann.senatorsa@gmail.com
berthaduenas@guamlegislature.org
blina@ghra.org
bmkelman@guampdn.com
bshringl@moylans.net
carlaborja.73@yahoo.com
carlo.branch@gmail.com
carlo.branch@senatorbjcruz.com
carlsonc@pstrips.osd.mil
cathy.senatorsa@gmail.com
ccastro@guamchamber.com.gu
ccharfauros@guamag.org
ccsanchez89@gmail.com
cogogue@guampdsc.net
cheerfulcatunao@yahoo.com
christine.quinata@takecareasia.com
chucktanner@toduguan.com
clpo@guamlegislature.org
clerks@guamlegislature.org
committee@frankaguonjr.com
communications@frankaguonjr.com
communications@guam.gov
cor@guamlegislature.org
corguamlegislature@gmail.com
coy@senatorada.org
cridgell@guamcourts.org
cyrus@senatorada.org
dan.senatorsa@gmail.com
danielas49@gmail.com
dcrisost@guam.gannett.com
debblar@senatorbjcruz.com
divider_1jimenez@hotmail.com
dmgeorge@guampdn.com
edelynn1130@hotmail.com
editor@postguam.com
editor@salpantribune.com
elena.garcia@senatorbjcruz.com
emanaloto@guamlegislature.org
emqcho@gmail.com
eo@guamrealtors.com
epocalgue@senatorbjcruz.com
fbtorres671@gmail.com

fbtorres@yahoo.com
fes22744@gmail.com
flores@senatorada.org
francescacc.guamlegislature@gmail.com
gerry@postguam.com
gerrypartido@gmail.com
gktv23@hotmail.com
guam.avon@gmail.com
guam@pstrips.osd.mil
guamnativesun@yahoo.com
hafajapan@gmail.com
hazel.estrellado@guamlegislature.org
hazel.estrellado@guamlegislature.org
hermlna.certeza@senatorbjcruz.com
hill.bruce@abc.net.au
hope.senatorsa@gmail.com
ihernandez@guamlegislature.org
info@chinesetimesguam.com
james.servino@guamlegislature.org
jason@kuam.com
jason@senatormorrison.com
jborja@senatorada.org
jennifer.lj.dulia@gmail.com
jessica@ghra.org
joan@kuam.com
joanne.senatorsa@gmail.com
joanne@guamlegislature.org
joe@toduguan.com
joesa@guamlegislature.org
john@postguam.com
johnlucis@toduguan.com
johnaoconnor@gmail.com
jon.calvo@mail.house.gov
jontalk@gmail.com
joway97@gmail.com
jmanuel@gmail.com
jstedaotao@gmail.com
jtenorio@guamcourts.org
jullan.c.janssen@gmail.com
juliette@senatorada.org
kaltre97@gmail.com
kcharfauros74@gmail.com
kcn.kelly@gmail.com
keepinginformed.671@gmail.com
kelly.toves@mail.house.gov
kenq@kuam.com
kevin.kerrigan@grmc.gu
khmg@hbcguam.net
klm@senatormorrison.com
koreannews@guam.net
koreatv@kuentos.guam.net
kstoksh@gmail.com
kstone@lts.net
kurtzman.guamlegis@gmail.com
kyle_brian@live.com
law@guamag.org
legislativecounsel@guamlegislature.org
life@guampdn.com
ljalcalro@gmail.com
lmatthews@guampdn.com
m.salaila@yahoo.com
mabuhaynews@yahoo.com
mahoquinene@guam.net

malainse@gmail.com
maria.pangellnan@gec.guam.gov
martavictoriapalmertrees@gmail.com
marycamachotorres@gmail.com
marycamachotorres@outlook.com
maryfejeran@gmail.com
marym@guamlegislature.org
matthew.santos@senatorbjcruz.com
mcamacho@guamlegislature.org
mcarlson@guamlegislature.org
mcpherson.kathryn@abc.net.au
mcruz@hitradio100.com
media@frankaguonjr.com
media@senatorbjcruz.com
menchu@toduguan.com
mls@guamlegislature.org
mlwheeler2000@yahoo.com
mohernande@guampdn.com
monty.mcdowell@amiguam.com
mspeps4873@gmail.com
mwatanabe@guampdn.com
natasha@toduguan.com
news@guampdn.com
news@spbguan.com
nick@kuam.com
norman.agullar@guamcc.edu
office@senatorada.org
officeassistant@frankaguonjr.com
oliviampalacios@gmail.com
onlyonguan@acubedlink.com
orleen@senatorbjcruz.com
orslnl.rikki@gmail.com
oyaol.ngtrairld@gmail.com
padficjournalist@gmail.com
parroyo@k57.com
pdkprg@gmail.com
peter@senatorada.org
phil@spbguan.com
president@ghra.org
procurement@guamlegislature.org
protocol@guamlegislature.org
publisher@glimpesofguam.com
rbloffice@googlegroups.com
rennae@guamlegislature.org
responsibleguam@gmail.com
rteehan@yahoo.com
ricknauta@hitradio100.com
rilmittaco@guampdn.com
robert@postguam.com
robertomallan86@gmail.com
rollymanuntag@gmail.com
rose.senatorsa@gmail.com
rowena@senatormorrison.com
rsalas@senatorada.org
rsimlasalas@gmail.com
sabrina@kuam.com
sarah.elmore@senatorbjcruz.com
senator.sa@gmail.com
senator@senatorbjcruz.com
senatordrodriguez@gmail.com
senatorjoessanagustin@gmail.com
senatormary@guamlegislature.org
senatorsannicolas@gmail.com

w/media

PHNOTICE Listing

senatortcnelson@gmail.com
senatortcnelson@guamlegislature.org
senatorterlajeg Guam@gmail.com
senjvespaldon@gmail.com
sgtarms@guamlegislature.org
sitarose2@yahoo.com
sixquintanilla@gmail.com
slimtlaco@guampdn.com
smendlola@guamlegislature.org
sonedera-salas@guamlegislature.org
staff@frankaguonjr.com
stephanlemendlola@gmail.com
tcastro@guam.net
tcruzelson@gmail.com
team5andahalfstar@gmail.com
telo.taltague@visittguam.org
thebigshow@k57.com
tina.alicto@yahoo.com
tjtaitano@cs.com
tom@senatorada.org
tommy@senatormorrison.com
tritten@pstripes.asd.mil
tteriaje@guam.net
xlosormd@gmail.com
xlosormd@yahoo.com
ylee2@guam.gannett.com
yourvoice.guam@gmail.com



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee

On Culture and Justice

I Mina'trentai Kuàttro na Liheslaturan Guåhan
34th Guam Legislature

September 22, 2017

Via Electronic mail

kamaraman@guamsupremecourt.com

The Honorable Katherine Maraman
Chief Justice
The Judiciary
Hagåtña, Guam 96932

Re: Notice for Public Hearing

Håfa Adai Chief Justice Maraman,

The Committee on Culture and Justice will convene a public hearing on Thursday, September 28, 2017, beginning at 5:30 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

- **Bill No. 175-34 (COR):** An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- **Bill No. 177-34 (COR):** An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *I Liheslaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We hope the Judiciary will be able to attend and provide testimony.

Si Yu'os Ma'åse',

Therese M. Terlaje Vice Speaker

Cc: Honorable Alberto C. Lamorena III, Presiding Judge
Shawn Gumataotao, Director of Policy Planning and Community Relations

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 | F: (671) 472-3589 | Email: senatorterlajeguam@gmail.com
www.senatorterlaje.com



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Notice for September 28 Public Hearing

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Fri, Sep 22, 2017 at 11:10 AM

To: Katherine Maraman <kamaraman@guamsupremecourt.com>

Cc: alamorenalii <alamorenalii@guamcourts.org>, DPPCR <sgumataotao@guamcourts.org>

Dear Chief Justice Maraman,

Please see the attached invitation letter from Vice Speaker Terlaje regarding a public hearing for two family violence related bills that may be of interest to the court. Also attached are the aforementioned bills.

Thank you.
Jocelyn de Guia
Policy Analyst

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuáttro na Liheslaturan Guåhan

34th Guam Legislature

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

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

3 attachments**First notice PH 9.28.17_Family Violence Bills.pdf**

327K

**Bill No. 175-34 (COR).pdf**

97K

**Bill No. 177-34 (COR).pdf**

666K



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Notice of September 28th Public Hearing

Pauline I. Untalan <puntalan@guamag.org>

Fri, Sep 22, 2017 at 10:00 AM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Thank you Jocelyn. I will talk to the AG.

From: Senator Therese Terlaje [mailto:senatorterlajeguam@gmail.com]**Sent:** Friday, September 22, 2017 9:29 AM**To:** Elizabeth Barrett-Anderson <ebanderson@guamag.org>**Cc:** Pauline I. Untalan <puntalan@guamag.org>; Benny Russell S. Campos III <bcampos@guamag.org>; Joann Augustine <jaugustine@guamag.org>**Subject:** Notice of September 28th Public Hearing

Hafa Adai, General Anderson,

Vice Speaker Terlaje would like to invite you and your office to provide testimony at the public hearing on Thursday, September 28, 2017, at 5:30 PM. On the agenda are the following family violence related bills:

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

I am attaching a copy of the public hearing notice and bills for your reference. I am also cc'ing staff at the Victim Service Center who assisted our office in notifying the Cepeda family.

Thank you.

Jocelyn de Guia

Policy Analyst

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

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

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

Electronic Privacy Notice: *This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.*



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Public Hearing for Bills No. 175-34 and 177-34

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Sep 20, 2017 at 5:55 PM

To: Taylor Amdal-Barela <taylor@guamcoalition.org>

Hafa adai, Taylor,

Vice Speaker Terlaje would like to invite the Coalition and its member organizations to our public hearing on September 28, 2017 regarding two bills that were introduced to enhance protections for survivors of family violence.

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

We welcome feedback and testimony from the community on this very important issue. I am attaching a copy of the public hearing notice as well as the bills to this email.

Feel free to call us if you or any of the other member organizations have any questions or concerns.

Warm Regards,
Jocelyn

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

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

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

3 attachments**First notice PH 9.28.17_Family Violence Bills.pdf**

327K

**Bill No. 175-34 (COR).pdf**

97K

**Bill No. 177-34 (COR).pdf**

666K



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Notice of September 28th Public Hearing

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Fri, Sep 22, 2017 at 11:26 AM

To: alee@catholicsocialserviceguam.org

Hafa Adai, Ms. Paula Perez,

Vice Speaker Terlaje would like to invite the Alee Shelter to provide testimony at the public hearing on Thursday, September 28, 2017, at 5:30 PM. On the agenda are the following family violence related bills:

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

I am attaching a copy of the public hearing notice and bills for your reference. Feel free to contact our office if you have any questions or concerns.

Thank you.
Jocelyn de Guia
Policy Analyst

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

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

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

3 attachments **First notice PH 9.28.17_Family Violence Bills.pdf**
327K **Bill No. 175-34 (COR).pdf**
97K **Bill No. 177-34 (COR).pdf**
666K



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Notice of September 28th Public Hearing

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Fri, Sep 22, 2017 at 12:33 PM

To: varoguam1@yahoo.com

Hafa Adai, Dr. Julie Ulloa-Heath,

Vice Speaker Terlaje would like to invite Victim Advocates Reaching Out to provide testimony at the public hearing on Thursday, September 28, 2017, at 5:30 PM. On the agenda are the following family violence related bills:

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

I am attaching a copy of the public hearing notice and bills for your reference. Feel free to contact our office if you have any questions or concerns.

Thank you.

Jocelyn de Guia

Policy Analyst

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

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

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

3 attachments**First notice PH 9.28.17_Family Violence Bills.pdf**

327K

**Bill No. 175-34 (COR).pdf**

97K

**Bill No. 177-34 (COR).pdf**

666K



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Notice of September 28th Public Hearing

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Fri, Sep 22, 2017 at 11:47 AM

To: jgmartinez@bsjmlaw.com, mpangelinan@calvofisher.com, ptydingco@guamag.org, gbc@guamlaw.net, info@ecubelaw.com, Harold Parker <harold.parker@guamlsc.org>, dgutierrez@calvofisher.com

Hafa adai, Guam Bar Association,

Please distribute to your members from Vice Speaker Terlaje.

The family violence related bills that will be discussed during the hearing are attached.

Thank you.
Jocelyn de Guia
Policy Analyst

September 20, 2017

MEMORANDUMFrom: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: FIRST NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Thursday, September 28, 2017, beginning at 5:30 PM in I Liheslaturan Guåhan's Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via I Liheslaturan Guåhan's live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

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

T: (671) 472-3586 F: (671) 472-3589

senatorterlajeguam@gmail.com

Electronic Privacy Notice: *This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.*

2 attachments



Bill No. 175-34 (COR).pdf

97K



Bill No. 177-34 (COR).pdf

666K



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Public Hearing for Bill No. 177-34 (COR)

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Fri, Sep 22, 2017 at 9:50 AM

To: [REDACTED]

Hafa adai, Mrs. [REDACTED]

I am writing on behalf of Vice Speaker Terlaje to inform you that Bill No. 177-34 regarding electronic monitoring for family violence offenders which references Emma's story will be having a public hearing on Thursday, September 28th at 5:30pm. I am attaching a copy of the public hearing notice below and a copy of the two different bills being discussed. We are accepting written testimonies from the public if you are interested in submitting anything. We can read it aloud during the hearing if you would like, but there is no pressure if you would rather not provide any testimony. We just wanted to let you know about the public hearing. It will be available online to view live during the time of the hearing and then as a recording. See the information below for the website information.

Thank you again for allow us to tell Emma's story.

Sincerely,
Jocelyn de Guia
Policy Analyst

MEMORANDUM

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

Subject: FIRST NOTICE of Public Hearing - Thursday, September 28, 2017 at 5:30 PM

Hafa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Thursday, September 28, 2017, beginning at 5:30 PM in I Liheslaturan Guåhan's Public Hearing Room (Guam Congress Building, Hagåtña). On the agenda are the following items:

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via I Liheslaturan Guåhan's live feed at <https://www.youtube.com/channel/UCWGC3ELFerik7HtSuf70tyg>. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje, 163 Chalan Santo Papa, at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.
Si Yu'os Ma'åse

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

On Wed, Sep 13, 2017 at 11:29 AM, Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Dear Mrs. [REDACTED]

I would like to sincerely thank you for allowing me to share Emma's story as I advocate for more protections for those experiencing family violence. I am so sorry for your loss and hope to honor her memory and prevent future acts of violence with this bill.

I am attaching a copy of the bill (Bill No. 177-34) to this email and will keep you informed of the progress of the bill. The first step of the process will be a public hearing on the bill. This date has not been set yet but we hope it will be held in early October. I will be accepting written testimonies in support of the bill if you would like to submit a letter of support and I will let you know once the hearing is set. After the public hearing, I will try to get it placed on the Legislative Session Agenda where it will be voted on by my colleagues.

Please do not hesitate to contact me or my office if you have any questions or concerns.

Si Yu'os Ma'åse',
Therese Terlaje

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

On Wed, Sep 13, 2017 at 6:56 AM, [REDACTED] wrote:

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Sep 12, 2017 at 4:53 PM

Subject: Draft Bill
To: <jaugustine@guamag.org>

Dear Ms. Augustine,

Thank you for contacting me through my email. I am so happy that Senator Therese Terlaje is drafting a bill there on Guam that concerns my daughter Emma. It's with my pleasure to give Senator Terlaje the permission to use my daughter Emma's story.

I would so appreciate it if you please email me at anytime when the bill is approved. Praying, wishing and hoping the bill will get through.

Thank you so much. Hoping to hear from you soon.

Sincerely,

Mrs. [REDACTED]

2 attachments



Bill No. 175-34 (COR).pdf
97K



Bill No. 177-34 (COR).pdf
666K

LOCAL

Saturday, September 23, 2017 Pacific Daily News guampdn.com

ment Board, 9:30 a.m. first Saturday, Guam Service Center across from JFK Life Scouts and beneficiaries welcome by appointment. **GUAHAN DRUM CIRCLE:** 3:30 to 5:30 p.m., first and third Saturdays, Paseo de Susana, Hagåtña, Visit www.guahandc.org.

month at the Dededo Senior Citizen Center. Call 632-9798. **U.S. NAVAL SEA CADET CORPS, MARIANAS DIVISION:** Meets each third weekend for a drill. Youths ages 11 to 17 interested in joining the program may email: marianasdivision@yahoo.com.

Taraje Professional building. **SANCTUARY SELF-ESTEEM GROUP:** 9 to 10:30 p.m. each Saturday, 631 E. Sunset Blvd., Tiyan. **MENTAL HEALTH CRISIS HOTLINE:** Available 24/7 for all mental health related emergencies: 647-8833, National Suicide Prevention Lifeline is also available 24/7 if you

5 a.m. Sept. 26 at the Conference Room, Port of Guam, Cabras. Individuals with disabilities who may need spe-

cial accommodations may contact Simeon Delos Santos, ADA Coordinator at 477-5931-4, ext. 430.

» The Consolidated Commis-

sion on Utilities will hold their regular monthly meeting at 4:30 p.m. Sept. 26 in the CCU Conference Room, 3rd Floor, Gloria B. Nelson Public Service Bldg., Rte.

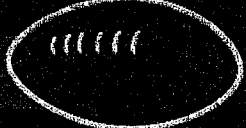
15, Mangilao. Individuals requiring special accommodations, auxiliary aids or services, may contact Lou Sablan at 648-3002.









» Guam Land Use Commission meeting 1:30 p.m. Sept. 28 in the Land Management Conference Room, 3rd Floor, ITC Building, Tamuning. Individuals requiring special accommodations or services should contact: Cristina, 649-5263 x375 or email Cristina.gutierrez@land.guam.gov.

» Education Financial Supervisory Commission Meeting 3 to 4 p.m. Sept. 28 in the Guam Department of Education Superintendent's Conference Room, Building A - Tiyan, Guam. If you require any special accommodations, auxiliary aids, or other special services, please call 477-2520/1.

» The Committee on Culture and Justice will convene a public hearing beginning at 5:30 p.m. Sept. 28 in Liheslaturan Guahan's Public Hearing Room,

CK OFF TO SAVINGS!



 STAIN & ODOR RESISTANT FABRIC	 5" TOUCHSCREEN MEDIA SYSTEM	 6-SPEED AUTOMATIC	 REARVIEW CAMERA
 USB/AUX INPUT JACKS	 Bluetooth HANDS-FREE & AUDIO STREAMING	 SRS 7 AIRBAGS STANDARD	 INTEGRATED ANDROID AUTO

ve relief over land issue

Mayor June Blas said the bill supports the plight of the Collado family.

"It also resolved the problem caused by the government of Guam when it allowed the surrounding areas to backfill their lots, therefore causing the Collado property to be classified as wetland," Blas said.

"For too long,

many certain aspects of the

would like to request that the funding to construct the proposed ponding basin be provided," Blas added.

According to Ada's legislation, the Army Corps of Engineers had recommended a land exchange citing the valuable function of the Barrigada land as a ponding basin.

“

“For two decades, we continued to have this issue hanging

process.

DLM director

is a bidding

Committee On Culture and Justice



VICE SPEAKER THERESE M. TERLAJE
I Mina'trentai Kuáttro na Liheslaturán Guáhan
34th Guam Legislature

Public Hearing

Thursday, September 28, 2017

5:30 p.m.

Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA

- Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- Bill No. 177-34 (COR): An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.

If you require any special accommodations, auxiliary aids, or other special services, or for further information, please call the Office of Vice Speaker Therese M. Terlaje at 472-3586. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at the Guam Congress Building at 163 Chalan Santo Pape in Hagåtña or at the Protocol Office of the Guam Congress Building, via fax at 472-3589, or via email at senatorterlaje@guam.gov.

This ad is paid for with government funds.



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

Public Briefing

Thursday, September 28, 2017
5:30 P.M.

AGENDA

- **Bill No. 175-34 (COR):** An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.
- **Bill No. 177-34 (COR):** An Act to ensure the safety of victims and witnesses of family violence and other crimes by including electronic monitoring as a condition of pretrial release by amending § 30.21(a) of Chapter 30, Title 9, and §§ 40.15, 40.20, and 40.60 of Chapter 40, Title 8, Guam Code Annotated.



I Mina'trentai Kuáttro na Liheslaturan Guåhan
Office of the Vice Speaker
Senator Therese M. Terlaje
Committee On Culture and Justice

Date: Thursday, September 28, 2017

Time: 5:30 p.m. - 7:30 p.m.

Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.

	NAME	AGENCY	CONTACT NO.	E-MAIL	POSITION		TYPE OF	
					SUPPORT	OPPOSE	WRITTEN	ORAL
1	Joe McDonald	OAG	4753406	jmcDonald@guamag.org	✓		✓	✓
2	Stephen Hertis	PDSC	472-8188	sphattorc@guampdsc.net	✓		✓	✓
3	Jocelyn Roden	PDSC	475-3100	jroden@guampdsc.net				✓
4								
5								
6								
7								
8								
9								
10								



I Mina'trentai Kuáttro na Liheslaturan Guáhan
Office of the Vice Speaker
Senator Therese M. Terlaje
Committee On Culture and Justice

Date: Thursday, September 28, 2017

Time: 5:30 p.m. - 7:30 p.m.

Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.

	NAME	AGENCY	CONTACT NO.	E-MAIL	POSITION		TYPE OF	
					SUPPORT	OPPOSE	WRITTEN	ORAL
1	Richard Dinkx	Public Defender	475-3100	rdinkx@guam.pdsc.net			✓	✓
2								
3								
4								
5								
6								
7								
8								
9								
10								



I Mina'trentai Kuáttro na Liheslaturan Guåhan
Office of the Vice Speaker
Senator Therese M. Terlaje
Committee On Culture and Justice

Date: Thursday, September 28, 2017

Time: 5:30 p.m. - 7:30 p.m.

Bill No. 175-34 (COR): An Act to ensure that Guam's Family Violence Laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Title 9, Guam Code Annotated.

	NAME	AGENCY	CONTACT NO.	E-MAIL	POSITION		TYPE OF	
					SUPPORT	OPPOSE	WRITTEN	ORAL
1	Karen Carpenter	VARO	477-5552				X	X
2	Charlene Quintanilla	VARO	477-5552				X	
3								
4								
5								
6								
7								
8								
9								
10								



Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913



Elizabeth Barrett-Anderson

Attorney General

Phone: (671) 475-3324

ext. 5015/ 5030

Fax: 477-4703

law@guamag.org

Jacqueline Z. Cruz

Chief of Staff

Administration

ext. 5010

jzcruz@guamag.org

Joseph B. McDonald

Chief Prosecutor

Deputy AG

Prosecution

ext. 2410

jmcdonald@guamag.org

Karl P. Espaldon

Deputy AG

Solicitors

ext. 3115

kespaldon@guamag.org

Kenneth D. Orcutt

Deputy AG

Litigation

ext. 3225

korcutt@guamag.org

Fred S. Nishihira

Deputy AG

Consumer Protection

ext. 3250

fnishihira@guamag.org

Rebecca M. Perez

Deputy AG

Child Support

ext. 1610

rebecca.perez@guamcse.net

Carol M. Hinkle-Sanchez

Deputy AG

Family

ext. 4040

csanchez@guamag.org

Pauline Untalan

Administrator

Victim Service Center &

Notary Unit

ext. 5030

puntalan@guamag.org

September 28, 2017

Honorable Therese M. Terlaje

Vice-Speaker, *I Mina Trentai Kuattro Na Liheslaturan Guahan*

Committee on Culture & Justice

Guam Congress Building

163 Chalan Santo Papa

Hagatna, GU 96910

Re: Bill 175-34

Hafa Adai Senator and Members of the Committee:

We support the enactment of Bill 175-34. We appreciate the lead taken by Vice Speaker Terlaje for quick action proposing new language amending the Family Violence Act in response to the Supreme Court of Guam recent decision in *People v. Shimizu*, 2017 Guam 11.

The need for quick action was recently demonstrated in a case where a husband locked his wife in their house and threatened to shoot her with a large metal lug from a slingshot because she would give her cellphone password to him. Because 9 GCA § 30.10(a)(2) was declared unconstitutional, the defendant could not be charged with it and was instead charged with Terrorizing and Felonious Restraint.

The case could have been assigned to the Family Violence Specialty Court were we able charge it as a Family Violence violation, where the prosecutors, defense attorneys and judge are trained on how to handle family violence matters.

Although we are in support of the proposed bill, we believe the proposed language may be unworkable. The wording found in the *Shimizu* decision is, therefore, preferred. The *Shimizu* decision stated that there needs to be a requirement of imminence, reasonable fear, or both. In Paragraph 33 of the decision the Guam Supreme Court cited several domestic violence laws from other jurisdictions which have such requirements. Based on those statutes and the *Shimizu* case, we would suggest the following change to Bill 175-34:

(b) Placing another family or household member in imminent fear or reasonable fear of bodily injury to the family or household member, or to another family or household member.

With our recommended change, we stand in full support of the Bill. Thank you for the opportunity to provide testimony.

Sincerely,



ELIZABETH BARRETT-ANDERSON
Attorney General

EXECUTIVE DIRECTOR
Stephen P. Hattori



DEPUTY DIRECTOR
Richard S. Dirkx
ADMINISTRATIVE DIRECTOR
Cathyan C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pupbleku)

GOVERNMENT OF GUAM
779 Route 4
Sinajaña, Guam 96910
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844

STAFF ATTORNEYS
Jocelyn M. Roden
Peter J. Sablan
Ali N. Nusbaum
William B. Jones
Kristine B. Borja
William C. Bischoff
Alisha L. Molyneux
Rocky P. Kingree
Zachary C. Taimanglo
Eric R. Overton
Kristin D. Smith
Earl Anthony V. Espiritu

RE: Bill 175-34

Vice-Speaker and Chairperson Terlaje:

Thank you for this opportunity to comment on Bill No. 175-34, which would amend section 30.10 of Title 9, Guam Code Annotated.

As I Liheslaturan is aware, our statutes contain pro-arrest provisions which direct police officers to make an arrest whenever they have probable cause to believe that family violence has occurred. Added to this is a policy by the Attorney General's Office to book and confine nearly all of the arrestees for family violence. The responding officer has little to no discretion when it comes to enforcing a statute that is vague or overbroad. The statutory scheme also forbids the officer from refraining to make an arrest because the victim begs him not to. If I Liheslaturan says something is family violence, then anyone who is accused of that by another person will be arrested, booked and locked up, even if the victim does not want this. The mere filing of a charge called "family violence" may cause loss of public housing or loss of a job even if the person is later acquitted by a jury.

I hope we will chose our words carefully.

I am concerned that the proposed statute is still vague.

The statute which was ruled unconstitutional by the Guam Supreme Court in Shimizu, 2017 Guam 11, at least had a mental state requirement. To commit the crime, the person's act had to be, at a minimum, reckless. The actor had to perceive the risk that the victim might be placed in fear by his conduct, yet he disregarded that risk and acted anyway. While the Shimizu court held that this requirement did not by itself resolve the ambiguity between what acts were illegal and which were not, the proposed statute contains no mental state requirement whatsoever. A person who thinks he is alone and says bad words would be arrested even though he didn't know anyone was listening, and had no intention that his words be taken seriously. If there is no mental state at all, there is a great risk that the statute will be so vague as to punish pure speech, an issue that the Shimizu court did not reach. People in domestic arguments say terrible things to one another. If we start punishing speech, we'll be arresting even more victims than we do now. This new statute specifically applies to communications and the mental state should match subsection (3), "knowingly or intentionally."

Another layer of ambiguity is in the language that the threat be made to a family member, but threatening "another". In other words, if the threat is communicated to a family member, but the target of the threat is "another", it's family violence even if the other isn't family. The way this is written, if I tell my wife a threat she reasonably believes, that I will commit an act of violence against a madman in Korea, I've committed family violence. The wording also doesn't require that the person to whom the threat is made be the target, or that the target be physically present to hear the threat; we're calling it family

violence if the first person in the chain of communication is a family member. That family member might even disbelieve the threat, but it is family violence if a non-family member believes it. We're seeing threats allegedly made by phone or Snapchat that may pass through several oral modifications before they get to someone who is offended. Under this proposed law, it would be family violence if the first person is "family" even if she doesn't believe the threat, but mere gossip if she isn't family. I don't think that's the intended result.

At the very last line of the proposed statute is the requirement that the person to whom the threat is communicated or the person threatened {be placed} "in reasonable fear that crime be committed." There is no requirement that the threat be imminent or immediate, a subject that was discussed by the Court in Shimizu. This language criminalizes any threat whatsoever, no matter how remote in time. It could probably be saved with language like "in reasonable fear that crime was about to be committed," or words to that effect

Another construction problem is caused because the threat could involve either bodily injury or a crime of violence dangerous to human life, but the fear is of crime being committed. There is no reference back to bodily injury.

The lack of an article before "crime" also creates vagueness and ambiguity. Let's say defendant screams "I'll break you up," The listener is a family member who has no fear whatever that he will hurt her, but she is afraid he'll wake the neighbors (i.e., the crime of disorderly conduct), or break her cell phone (the crime of criminal mischief). This would make it a crime of family violence even when there is no use of force against the person and no fear by the person that force will be used. Putting "the" before "crime" should remove the ambiguity.

Thank you for this opportunity to address my concerns about this legislation.

A handwritten signature in black ink that reads "Richard". The script is cursive and fluid.

RICHARD S. DIRKX
Deputy Director

EXECUTIVE DIRECTOR
Stephen P. Hattori



DEPUTY DIRECTOR
Richard S. Dirks
ADMINISTRATIVE DIRECTOR
Cathmann C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pupbleku)

GOVERNMENT OF GUAM
779 Route 4
Sinajaña, Guam 96910
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844

STAFF ATTORNEYS
Jocelyn M. Roden
Peter J. Sablan
Ali N. Nusbaum
William B. Jones
Kristine B. Borja
William C. Bischoff
Alisha L. Molyneux
Rocky P. Kingree
Zachary C. Taimanglo
Eric R. Overton
Kristin D. Smith
Earl Anthony V. Espiritu

Bill No. 175-34 on Family Violence Statute
Public Hearing Testimony
Thursday, September 28, 2017

Buenas Vice-Speaker and Committee Chair Terlaje: On behalf of the Public Defender Service Corporation and as a practicing attorney appearing before the Courts of Guam, I testify today on behalf of Bill 175-34.

We are here today to attempt a fix of the Family Violence Statute made necessary by a recent Supreme Court ruling. It is commendable that the Legislature has moved this quickly to remedy the unconstitutionality of the statute. As we speak, the Prosecution Division of the Office of the Attorney General has decided to upgrade the 30.10(a)(2) charges to terrorizing. In layman's terms and contrary to both commonsense and Public Policy, if you punch your spouse, you get charged with a misdemeanor. If you threaten to punch your spouse, you will be charged with felony terrorizing. The effect of which, is to deprive citizens, defendants and victims alike, the many benefits afforded by the Family Violence treatment court.

The Supreme Court of Guam ruling in People of Guam v. Shimizu, 2017 Guam 11 invalidated the Family Violence statute at 9 GCA §30.10(a)(2) as being inorganic and void for vagueness. Specifically, the Guam Supreme Court indicated that the Family Violence statute failed to provide fair notice as to prohibited conduct and failed to establish minimal guidelines to govern law enforcement. *Id* at ¶ 39. Throughout the opinion, the Guam Supreme Court indicated that at the very least, it should be required that the victim's fear be reasonable or that the fear be of "imminent bodily injury." The void for vagueness doctrine can easily be repaired by the following amendment to 9 GCA §30.10(a)(2).

"placing a family or household member in reasonable fear of imminent bodily injury;"

This simple amendment addresses both the fair notice and minimal guidelines concerns held by the Supreme Court when they struck down this particular statute.

I further support a public hearing to address the entire Family Violence statute. Initially, Family Violence cases were diverted from the criminal calendar. Through diversion, the Courts expeditiously resolved cases without a requirement that a party plead guilty. Such matters were resolved in the counseling session often required by a diversion stipulation. Diversion had limited impact on immigrants. Diversion also did not affect a soldier's ability to possess a firearm. When the law was changed requiring individuals to plead guilty. Many collateral consequences followed.

Families have been divided by deportations. Servicemen are unable to perform their duties requiring the use of firearms. Our construction workers are unable to perform work on our military bases due to a plea of guilty. Perhaps now is the time to consider returning to the Diversion mode of resolving Family Violence Cases. While it is a suggestion that may be better left for another day and time, it is a humble request that is worth exploring.

Thank you for your time and the opportunity to address this Legislation.



STEPHEN P. HATTORI
Executive Director



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Testimony on Bill No. 175-34

Karen Carpenter <karenguam@hotmail.com>

Thu, Sep 28, 2017 at 1:25 PM

To: "senatorterlajeguam@gmail.com" <senatorterlajeguam@gmail.com>

Hafa Adai - My testimony is brief. Under Section 2. 30.10 Definitions no. 2 I would suggest the following : Communicating to a family or household member, through words or actions, a threat to commit or to cause to be committed etc. I feel it must be made clear that a threat can be through words or actions. I am not lobbying this is just a suggestion. Karen Carpenter



JUDICIARY OF GUAM

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3544 • Fax: (671) 477-3184



HON. KATHERINE A. MARAMAN
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE
JOHN Q. LIZAMA
ADMINISTRATOR OF THE COURTS

September 27, 2017

The Honorable Therese M. Terlaje
Vice-Speaker and Chair, Committee on Culture and Justice
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96932

Vice Speaker Therese M. Terlaje

SEP 27 2017

Time: 4:30 PM

Received by: JLG

Dear Vice-Speaker Terlaje:

Hafa Adai! On behalf of the Judiciary of Guam, this letter is in response to your September 22, 2017 letter seeking testimony on Bill No. 175-34 (COR) and Bill No. 177-34 (COR). Our Branch of Government recognizes that as we work with you and the Executive Branch on justice reform, community outreach initiatives, and therapeutic models of justice, the core of our mission still rests largely in the work that we do inside our courtrooms. Our efforts spent in fulfilling this important mission are a crucial component in promoting the rule of law and public safety.

Please be advised that the Judiciary takes no position with regard to Bill No. 175-34 (COR). The Judiciary is concerned, however, with the manner in which Bill No. 177-34 (the "Bill") may affect its current efforts to properly assess, classify and supervise pre-trial defendants. Specifically, Section 2 proposes to amend Chapter 30 Title 9 GCA Section 30.21 Conditions of Release to include:

8. An order requiring electronic monitoring, electronic monitoring of home arrest, or electronic monitoring that is capable of notifying a 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 supervising entity or electronic device should immediately notify victim and law enforcement officials if a stay away order is violated.

The Judiciary has yet to secure a contract for electronic monitoring services. Additionally rules to govern the use of electronic monitoring have yet to be adopted. The proposed legislation seems to imply that family violence offenders will need to utilize GPS monitoring to track real time movement twenty four hours a day and seven days a week ("24/7") rather than devices that work off of radio frequency and send alerts when entering or leaving inclusion or exclusion zones. The Judiciary suggests that some

allowance be built into the Bill to allow for choice among technologies when determining the best method of electronic monitoring.

Additionally, the task of immediate victim notification should be defined and assigned to a particular responsible party. Under current law, the Office of the Attorney General ("OAG") bears some responsibility for victim notification. *See* 9 G.C.A. § 30.21(e). Understanding that the notification contemplated in the Bill relates to violation of stay away orders, there would still need to be coordination between the "supervising entity" (presumably, the Superior Court of Guam's Probation Services Division) and the OAG. Specifically, the OAG's Victims Advocate Reaching Out Office is charged with protecting victim interests and should be included in this process.

1005 75 932

Also, the methodology used for determining who has to pay for electronic monitoring is not identified. The Bill indicates family violence offenders will undergo a risk assessment. We read the Bill to require that our personnel be trained in lethality assessments, which is training that we have not yet undertaken.

For all the reasons articulated above, we would ask that if the Bill is passed into law, that its effective date be no less than six (6) months from the date of enactment so that the Judiciary can properly train its personnel in lethality assessments, develop a cooperation procedure with the OAG for notification, procure an electronic monitoring service, and adopt rules for the use of electronic monitoring.

If you have any additional questions, we stand ready to address them with you. Thank you for the consideration of this testimony.

Senseramente,



JOHN O. LIZAMA
Administrator of the Courts



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

requesting information

HAROLD FRANK PARKER <harold.parker@guamlsc.org>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Thu, Sep 28, 2017 at 1:11 PM

Dear Ms de Guia: I cannot really comment on the Supreme Court case involving a criminal matter. Guam Legal Services Corporation-Disability Law Center does not handle criminal matters and thus this decision would not have a direct effect on GLSC-DLC. Its indirect effect might be whether our caseload would increase because of individuals seeking civil relief instead of the help of criminal laws. The civil protective order procedure is independent from the criminal procedure. Since the release of this decision we have seen no increase in the number of protective orders, but this may be because many are not yet aware of the Supreme Court decision.

The passage of this amendment may have the effect of reducing the number of civil protective orders but this is hard to tell. Our recommendation to clients is to get a civil protective order even if there is a criminal case, so that regardless of what occurs in the criminal case, they still have a protective order. The criminal case proceeds at the choice of the Attorney General but the civil case is at the choice of the client.

The use of electronic monitoring in the criminal case might assist the victim as another element of evidence to support a motion for contempt where there is a question of violation of a protective order by contact with the victim.

I cannot and do not make any recommendation as to the passage of these bills because of restrictions on lobbying placed on agencies receiving federal funds. I provide this information in response to a request from the Legislature.

Sincerely, Harold F. Parker, Executive Director, GLSC-DLC

[Quoted text hidden]

[Quoted text hidden]

**Filed**

Supreme Court of Guam, Clerk of Court

IN THE SUPREME COURT OF GUAM**THE PEOPLE OF GUAM,**
Plaintiff-Appellee,

v.

JANICE G. SHIMIZU,
Defendant-Appellant.**OPINION**

Cite as: 2017 Guam 11

Supreme Court Case No.: CRA15-034
Superior Court Case No.: CM1046-13Appeal from the Superior Court of Guam
Argued and submitted on May 20, 2016
Dededo, GuamAppearing for Defendant-Appellant:
James N. Spivey, Jr., *Esg.*
Assistant Alternate Public Defender
238 Archbishop F.C. Flores St., Ste. 902
Hagåtña, GU 96910Appearing for Plaintiff-Appellee:
Jonathan R. Quan, *Esg.*
Assistant Attorney General
Office of the Attorney General
590 S. Marine Corps Dr., Ste. 706
Tamuning, GU 96913**E-Received**

9/5/2017 1:09:23 PM

BEFORE: ROBERT J. TORRES, Chief Justice; F. PHILIP CARBULLIDO, Associate Justice;
KATHERINE A. MARAMAN, Associate Justice.¹**CARBULLIDO, J.:**

[1] Defendant-Appellant Janice G. Shimizu appeals from a judgment of conviction finding her guilty of two counts of Family Violence (as a Misdemeanor). She argues that the conviction must be reversed because the statute under which she was convicted, 9 GCA § 30.10(a)(2), is facially invalid. The People assert that threats of violence are not protected speech and that 9 GCA § 30.10(a)(2) is not void for vagueness. For the reasons set forth below, we reverse.

I. FACTUAL AND PROCEDURAL BACKGROUND

[2] The facts of this case are essentially undisputed. Defendant-Appellant Janice G. Shimizu was at the home of her mother, Rita Shimizu ("Rita"), to do some agreed-upon yardwork. Shimizu became upset after performing the yard work and "not being provided the soda and cigarettes she had requested." Record on Appeal ("RA"), tab 51 at 2 (Dec. & Order, Apr. 24, 2015). Shimizu's daughter, Jana Carriaga, who lived with Rita, called her aunt, Judy Ayuyu (Shimizu's sister), to report the argument between Shimizu and Rita. Ayuyu testified that she heard "yelling and arguing" in the background of the telephone call. Transcript ("Tr.") at 52 (Jury Trial, Dec. 16, 2014). Ayuyu immediately drove to her mother's house, which was five minutes away from her house. There, Ayuyu approached Shimizu and asked, "Sister, what's going on?", to which Shimizu responded, "You're not my sister. . . . Get out of my face." *Id.* at 54. Ayuyu then told Shimizu, "No, you need to get out of here," and Shimizu responded, "No, get out or else I'll kill you. . . . Matter of fact, I'll kill all of you." *Id.* at 55. After these statements, Shimizu then proceeded to look through her purse. At this point, Ayuyu told

¹ The signatures in this opinion reflect the titles of the Justices at the time this matter was considered and determined.

Carriaga to call the police. Ayuyu and Carriaga joined Rita inside the house, locking both doors as they waited for the police to arrive.

[3] Ayuyu testified that after Shimizu's statements, "I was scared. I mean, I have a family, and I don't know, you know, if she was capable of doing something, or just to scare us away, or - I mean, I was terrified." *Id.* at 56. She testified that she panicked when Shimizu started looking through her purse "[b]ecause I didn't know what she ha[d] in it. I mean, that's what scared me the most. I didn't know what was in her purse." *Id.* at 56-57. When asked what was going through her mind at the time, Ayuyu replied, "I don't know whether, you know, she has a gun, a knife that she could just pull out and then just start attacking. That's - That's why I told [Carriaga] to just call the cops right away . . ." *Id.* at 57.

[4] On cross-examination, Ayuyu admitted that when Shimizu made the statements, Shimizu neither raised a fist nor lunged at her, and that the threat "wasn't coming at [her]." *Id.* at 62-64.

[5] Carriaga testified that when her mother made the statements, she was scared "because I couldn't see really, exactly what she was doing at her purse, behind her truck" and "I didn't know what could happen next. I mean, I guess - I mean, I don't know. I was just scared, and I'm - when - when I don't know what's going to happen next, it worries me, and I guess I get anxious." *Id.* at 17. Carriaga further testified that she has anxiety medicine and that she took one before Ayuyu arrived. *Id.* at 18. When asked whether, at the time, she was scared Shimizu would hurt her, Carriaga testified, "I wasn't sure. I was just - I was so worried. I started - When I talked to the police, I was walking away, further away from the car, like, towards the road. I didn't know what was going to happen next." *Id.* at 18. When asked whether she had been scared that Shimizu would hurt her aunt, Carriaga testified, "I was scared that she could possibly hurt all of us because of the threat that was made." *Id.* She testified that "it was a

strong belief" that Shimizu could hurt them, because "my mom's not usually the type to say something and not do it." *Id.* at 18-19.

[6] On cross-examination, Carriaga was asked what she meant by her earlier statement that she "couldn't be sure" whether Shimizu really wanted to hurt her, to which she responded, "All I'm saying is that it could have been possible." *Id.* at 24. Carriaga also testified that she told police that Shimizu carries a knife with her, which factored into her fear that day. *Id.* at 25.

[7] The police arrived and searched Shimizu. No weapons were found.

[8] Shimizu was charged with two counts of Family Violence (as a Misdemeanor) for placing Carriaga and Ayuyu in fear of bodily injury. She was also charged with Harassment (as a Misdemeanor) for her conduct towards her mother, Rita. After trial by a jury of six, she was found guilty of both counts of Family Violence.

[9] Shimizu subsequently filed a motion for judgment of acquittal notwithstanding the verdict, arguing that Guam's Family Violence statute requires proof that injury was imminent, and that the statute on its face is unconstitutionally vague and overbroad. RA, tab 45 (Mot. J. Acquittal Notwithstanding Verdict, Dec. 24, 2014). The trial court denied Shimizu's motion, and she timely filed her notice of appeal.

II. JURISDICTION

[10] This court has jurisdiction over an appeal from a final judgment of conviction pursuant to 48 U.S.C.A. § 1424-1(a)(2) (Westlaw through Pub. L. 115-46 (2017)), 7 GCA §§ 3107(b) and 3108(a) (2005), and 8 GCA §§ 130.10 and 130.15(a) (2005).

III. STANDARD OF REVIEW

[11] "The constitutionality of a statute is a question of law reviewed *de novo*." *People v. Perez*, 1999 Guam 2 ¶ 6 (collecting cases).

IV. ANALYSIS

[12] Shimizu was charged with Family Violence under 9 GCA § 30.20(a), which provides that “[a]ny 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.” 9 GCA § 30.20(a) (as amended by Guam Pub. L. 32-017:1, Apr. 11, 2013). Section 30.10 defines “family violence” as follows:

(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:

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

(2) Placing a family or household member in fear of bodily injury.

9 GCA § 30.10(a) (2005).² Shimizu was charged under section 30.10(a)(2), for placing Carriaga and Ayuyu in fear of bodily injury. RA, tab 2 at 1-2 (Magistrate’s Compl.).

[13] Shimizu argues that section 30.10(a)(2) is facially invalid. She argues that to pass constitutional muster, section 30.10(a)(2) must include proof of an imminent physical threat. Appellant’s Br. at 9, 11 (Feb. 2, 2016). “Otherwise,” she maintains, “the statute would proscribe all fears of family members, real or imagined . . .” *Id.* at 9. She further contends:

Without this necessary element, the statute fails to describe conduct which the Guam Legislature has authority to proscribe because causing a fear of the possibility of bodily injury, without a fear of impending bodily injury, is a harm so amorphous and, yet, so ubiquitous that holding a defendant responsible would violate his rights to due process. Moreover, the statute’s imposition of a mere “reckless” intent, as opposed to specific intent, further attenuates the connection

² During the pendency of this case, 9 GCA § 30.10 was amended to add a new subitem (a)(3), further defining “family violence” as including “[k]nowingly 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.” 9 GCA § 30.10(a)(3) (added by Guam Pub. L. 33-205:2, Dec. 15, 2016). As the incident underlying this case occurred in December 2013, prior to the amendment of the statute, and in any event, Shimizu was charged under 9 GCA § 30.10(a)(2), our holding today speaks only to the constitutionality of 9 GCA § 30.10(a)(2). We do not discuss the propriety of 9 GCA § 30.10(a)(3).

between a defendant’s actions (in this case, mere words) and the alleged resulting harm (in this case, fear of bodily injury).

Legislatures cannot protect citizens from all imaginable fears since any attempt to do so would be so imprecise in its definition and so draconian in its effect that it would not be rationally related to its authority to promote the general welfare. Likewise, defendants can not [sic] be held responsible for all fears however slight, fleeting or unreasonable they may be without violating their due process rights.

Id. at 11-12 (citations omitted). Shimizu concludes that the statute is therefore “facially invalid for vagueness or overbread in its proscription of innocent conduct because it does not require an imminent threat of bodily harm.” *Id.* at 12 (citing U.S. Const. amends. V, XIV).

[14] The People respond that threats of violence are not protected speech under the U.S. Constitution. The People argue that Shimizu’s statements fall under a category of unprotected speech deemed “true threats” because her statements constituted a “serious expression of an intent to commit an act of unlawful violence to a . . . group of individuals.” Appellee’s Br. at 3, 5 (Mar. 22, 2016) (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)). As to Shimizu’s “void for vagueness” argument, the People counter that “[t]he statute is simple on its face” and “applies to acts and words.” *Id.* at 8. The People assert that “[i]t is left up to a jury to determine the (1) mens rea of the defendant and (2) credibility and reasonability (in relation to the defendant’s conduct) of the family member’s fear.” *Id.* at 9.

[15] In its Decision and Order denying Shimizu’s motion for judgment of acquittal notwithstanding the verdict, the trial court determined that the statute did not impinge upon Shimizu’s First Amendment rights because her statements fell under the category of “true threats” that do not enjoy First Amendment protection. RA, tab 51 at 6-8 (Dec. & Order) (citing *Watts v. United States*, 394 U.S. 705, 707-08 (1969)). The court found that like the statute in *Watts*, which proscribed knowing and willful threats to take the life of or inflict bodily harm

upon the President or other officer next in the order of succession, 9 GCA § 30.10(a)(2) does not require a showing of imminence.³ *Id.* at 7-8.

[16] As to Shimizu's facial challenge to the statute, the trial court ruled that the statute, "[w]hile disconcertingly broad, . . . does not irrationally or unreasonably proscribe all of a recipient's subjective fears but is limited to those knowingly, intentionally or recklessly caused," and "is further limited to a specifically defined group."⁴ *Id.* at 8-9. Furthermore, the court determined, "[r]eckless as defined by statute is also limited to an objective standard." *Id.* at 9 (citing 9 GCA § 4.30 (2005)).

[17] Whether or not Shimizu's statements constituted a "true threat," she could not be convicted under 9 GCA § 30.10(a)(2) if the statute is unconstitutional on its face. As the United States Supreme Court held in *Lanzetta v. New Jersey*, "[i]f on its face the challenged provision is repugnant to the due process clause, specification of details of the offense intended to be charged would not serve to validate it. It is the statute, not the accusation under it, that prescribes the rule to govern conduct and warns against transgression." 306 U.S. 451, 453 (1939) (citations

³ The trial court elaborated:

Here how a true threat should be statutorily defined is comparatively sufficient to *Watts*. The statutory necessity of showing the immediacy of the spoken harm or the reasonable or specific intent of the speaker or the belief of the recipient, in *Watts* is notably silent. The U.S. statute, 8 U.S.C. § 871(a), that the U.S. Supreme Court reviews in *Watts* simply requires that a threat of harm against the person of the President be willfully or knowingly spoken. Guam's statute goes further by proscribing speech which causes family members to fear bodily injury. Accordingly while Guam's statute is disturbingly broad, it is facially constitutionally sound.

RA, tab 51 at 8 n.4 (Dec. & Order) (citations omitted).

⁴ Interestingly, while deeming the statute "disconcertingly broad" but not going so far as to call it overbroad, the trial court, in a footnote, gave an example of the type of conduct that could possibly be proscribed by the statute as written:

Given that the law identifies as a legitimate protectable interest, the subjective fears of a family member, the law in essence criminalizes acts which might also be characterized as mean-spirited teasing. If, for example, a family member who is extremely afraid of spiders receives a gift of realistic plastic spiders from another sibling, the gifting sibling, under a strict reading of the statute, could be charged with a felony.

RA, tab 51 at 9 n.5 (Dec. & Order) (citations omitted).

omitted). Thus, it appears that both the trial court's and the People's contentions regarding the "true threat" nature of Shimizu's statements are misplaced given Shimizu's challenge of the facial validity of the statute.

[18] Imprecise laws can be attacked on their face under two different doctrines: overbreadth and vagueness.⁵ "[W]hen a statute is attacked as being both facially overbroad and vague, courts should divide overbreadth and vagueness analysis into a two-part test. Overbreadth is examined first, then vagueness." John F. Decker, *Overbreadth Outside the First Amendment*, 34 N.M. L. Rev. 53, 62 (2004) (footnotes omitted).

[19] As Shimizu challenges 9 GCA § 30.10(a)(2) on both overbreadth and vagueness grounds, each is discussed in turn.

A. Overbreadth

[20] "[T]he overbreadth doctrine permits the facial invalidation of laws that inhibit the exercise of First Amendment rights if the impermissible applications of the law are substantial when 'judged in relation to the statute's plainly legitimate sweep.'" *City of Chicago v. Morales*, 527 U.S. 41, 52 (1999) (quoting *Broadrick v. Oklahoma*, 413 U.S. 601, 612-15 (1973)). "A statute is struck down for 'overbreadth' if it 'does not aim specifically at the evils within the allowable area of state control but sweeps within its ambit other [constitutionally protected] activities.' That is, if a statute's language, given its normal meaning, is so broad that the statute's sanctions may unnecessarily apply to conduct that the state is not entitled to regulate, it is overbroad." Decker, *supra*, at 55-56 (alteration in original) (citations and footnotes omitted).

⁵ To explain the inherent difference between vagueness and overbreadth as simply as possible, "vagueness pertains to a lack of clarity in the actual content of a statute. In contrast, overbreadth is present when a statute's language is so far reaching that it applies to conduct the state is not entitled to regulate." John F. Decker, *Overbreadth Outside the First Amendment*, 34 N.M. L. Rev. 53, 61 (2004).

[21] Lower courts have grappled with whether to apply the overbreadth doctrine in non-First Amendment cases in light of the inconsistent line of U.S. Supreme Court decisions on the issue, with courts either accepting, rejecting, or simply ignoring the Court in its application of overbreadth. *See id.* at 98-102.

[22] While the present case is somewhat framed as a First Amendment case (in that the conduct in question here involved speech), Shimizu's overbreadth argument concerns the application of the statute to cases that may not even involve speech. She offers as an example a hypothetical of a battered wife being fearful every time her abusive husband walks through the door and posits that, under the plain language of 9 GCA § 30.10(a)(2), the husband's act of walking through the door violates the statute. *See* Appellant's Br. at 12.

[23] Although the statute can be applied to conduct classified as speech, we do not believe it falls squarely within the First Amendment arena. Because the First Amendment is not clearly implicated in this case, and given the inconsistency in the case law concerning the use of the overbreadth doctrine outside the First Amendment context, we are reluctant to apply the doctrine in this case. We determine that we need not reach the issue of whether the overbreadth doctrine applies because, as discussed below, the statute in question is void for vagueness.

B. Vagueness

[24] This court has yet to declare a statute unconstitutionally vague. Prior to the case at hand, this court has had only one other occasion in which it addressed the "void for vagueness" doctrine. Interestingly, the case in which the "void for vagueness" doctrine was analyzed also involved Guam's Family Violence Act. In *People v. Perez*, the defendant challenged the constitutionality of the Family Violence Act, 9 GCA § 30.10 *et seq.*, on "void for vagueness" and

Separation of Powers grounds. *See* 1999 Guam 2 ¶ 1. This court laid out the test for determining whether a statute is void for vagueness:

"Generally stated, the void for vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement." Although the doctrine focuses both on actual notice to citizens and arbitrary enforcement, it has been recognized that the more important aspect of [the] vagueness doctrine "is not actual notice, but the other principal element of the doctrine – the requirement that a legislature establish minimal guidelines to govern law enforcement.

Id. ¶ 7 (citations omitted). The court then quoted the language of 9 GCA §§ 30.10(a) and 30.20(a), including the language in section 30.10(a)(2) at issue in the present case. *Id.* ¶ 9. The court proceeded to apply the "void for vagueness" doctrine to the portion of the Family Violence Act that allows a defendant to move for a reduction of a felony Family Violence charge to a misdemeanor, noting the list of seven factors a court must consider in ruling on such a motion. *Id.* ¶ 12. The court stated that the prosecutor likewise "must take into consideration those [same] factors . . . because failure to do so would clearly make a felony charge of Family Violence vulnerable to a successful motion to reduce." *Id.* The court concluded:

Thus, we disagree with Appellant's conclusion that the Family Violence Act is unconstitutionally vague. We hold that the statute adequately informs an individual of the proscribed activity; and more importantly, that it provides specific guidelines that discourage the arbitrary enforcement of the statute by the prosecuting attorney. This is accomplished by delineating factors, relative to the determination of whether a felony or misdemeanor charge of Family Violence proceeds through the court system, that the prosecutor must take into account when making the charging decision.

Id. ¶ 13.

[25] In the proceedings below, Shimizu challenged the applicability of *Perez* to her case because, she contended, *Perez* did not specifically analyze the constitutionality of section 30.10(a)(2), the subsection under which she was convicted. RA, tab 51 at 4 (Dec. & Order). It is

unclear whether the trial court agreed with Shimizu's arguments regarding the inapplicability of *Perez*. Arguably, the court found merit in her arguments because it did not rely on the holding in *Perez* in its decision to deny Shimizu's motion for judgment of acquittal notwithstanding the verdict.

[26] Although *Perez* in broad language held that the Family Violence Act is not unconstitutionally vague, it did so without analyzing the specific language in section 30.10(a) defining "family violence." Rather, the court focused its analysis on the part of the Act specifically at issue in that case: the provision that a person who commits family violence is guilty of a misdemeanor or of a third degree felony. See 1999 Guam 2 ¶¶ 9-13. Thus, we find it worthwhile to revisit the "holding" in *Perez*.

[27] The "void for vagueness doctrine" is a long-standing principle in due process jurisprudence. As the U.S. Supreme Court held in *Lanzetta*,

If on its face the challenged provision is repugnant to the due process clause, specification of details of the offense intended to be charged would not serve to validate it. It is the statute, not the accusation under it, that prescribes the rule to govern conduct and warns against transgression. No one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes. All are entitled to be informed as to what the State commands or forbids. The applicable rule is stated in *Connally v. General Construction Co.*, 269 U.S. 385, 391 (1926): 'That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties is a well-recognized requirement, consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law.'

306 U.S. at 453 (citations omitted).

[28] "Vagueness may invalidate a criminal law for either of two independent reasons. First, it may fail to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits; second, it may authorize and even encourage arbitrary and discriminatory

enforcement." *Morales*, 527 U.S. at 56 (citation omitted). "[A] law fails to meet the requirements of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits." *Id.* (quoting *Giaccio v. Pennsylvania*, 382 U.S. 399, 402-03 (1966)). "[T]he purpose of the fair notice requirement is to enable the ordinary citizen to conform his or her conduct to the law." *Id.* at 58.

1. Fair Notice

[29] *Morales* involved a gang loitering ordinance that defined "loitering" to mean "to remain in any one place with no apparent purpose." *Id.* at 50-51 & n.14 (quoting Chi., Ill., Mun. Code § 8-4-015(c)(1) (1992)). "The Illinois Supreme Court recognized that the term 'loiter' may have a common and accepted meaning," but the definition as provided in the ordinance did not. *Id.* at 56. "It is difficult to imagine how any citizen of the city of Chicago standing in a public place with a group of people would know if he or she had an 'apparent purpose.'" *Id.* at 56-57.

[30] The U.S. Supreme Court found the ordinance impermissibly vague for "fail[ing] to give the ordinary citizen adequate notice of what is forbidden and what is permitted." *Id.* at 60. "Since the city cannot conceivably have meant to criminalize each instance a citizen stands in public with a gang member, the vagueness that dooms this ordinance is not the product of uncertainty about the normal meaning of 'loitering,' but rather about what loitering is covered by the ordinance and what is not." *Id.* at 57. Furthermore,

[t]he Constitution does not permit a legislature to "set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large." This ordinance is therefore vague "not in the sense that it requires a person to conform his conduct to an imprecise but comprehensive normative standard, but rather in the sense that no standard of conduct is specified at all."

Id. at 60 (citations omitted).

[31] Like the loitering ordinance in *Morales*, 9 GCA § 30.10(a)(2) fails to provide fair notice to ordinary citizens of what conduct is prohibited by the statute. The phrase “[p]lacing a family or household member in fear of bodily injury,” 9 GCA § 30.10(a)(2), is not vague in the sense that it does not have a common and accepted meaning. It is easy for a person to understand what the phrase means in its ordinary sense. However, as a guide to what conduct is forbidden or permitted by the statute, section 30.10(a)(2) utterly fails. As written, there is too much uncertainty about what conduct is covered by the statute and what is not. The Legislature cannot conceivably have meant to criminalize each instance in which a citizen places a family or household member in fear of bodily injury. The *mens rea* requirement in 9 GCA § 30.20(a) is not enough to save this ambiguity, for even some intentional causing of fear in a family member can be innocent, as illustrated in the examples below. *See infra*.

[32] The Court in *Morales* noted the precedent set by a number of state courts that have upheld loitering ordinances combined with some other overt act or evidence of criminal intent. 527 U.S. at 57 & n.25 (citations omitted). The Court also noted, however, that state courts have uniformly invalidated loitering ordinances “that do not join the term ‘loitering’ with a second specific element of the crime.” *Id.* at 57-58.

[33] Like the category of statutes noted in *Morales* that were struck down as unconstitutional, no standard of conduct is specified in section 30.10(a)(2). Section 30.10(a)(2) does not require an overt act, criminal intent, that the fear be reasonable, or that the fear be one of imminent bodily injury. In the court’s research on the issue, we struggled to find a family violence or domestic abuse statute with terms as broad as ours. Instead, each statute we have seen requires either imminence, reasonable fear, or both. *See, e.g.*, N.M. Stat. Ann. § 40-13-2(D)(2)(d) (West 2010) (defining “domestic abuse” to include “(d) a threat causing imminent fear of bodily injury

by any household member”); Neb. Rev. Stat. Ann. § 42-903(1)(b) (West 2012) (“Abuse means . . . (b) Placing, by means of credible threat, another person in fear of bodily injury. . . . [C]redible threat means a verbal or written threat, . . . and conduct that is made by a person with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family.”); R.I. Gen. Laws Ann. § 15-15-1(2)(ii) (West 2006) (“‘Domestic abuse’ means . . . (ii) Placing another in fear of imminent serious physical harm.”); N.C. Gen. Stat. Ann. § 50B-1(a)(2) (West 2015) (“Domestic violence means . . . (2) Placing the aggrieved party or a member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment . . . that rises to such a level as to inflict substantial emotional distress.”); 23 Pa. Stat. and Cons. Stat. Ann. § 6102(a)(2) (West 2008) (defining “abuse” of family to include “[p]lacing another in reasonable fear of imminent serious bodily injury”).

[34] Without more, 9 GCA § 30.10(a)(2) is impermissibly vague in that it does not adequately inform citizens of what conduct is prohibited by the statute. Specifically, in this case, it did not inform Shimizu whether telling a family member “get out of my face or else I’ll kill you” and then looking in her purse is conduct prohibited by the statute. Although the statute clearly proscribes placing a family member in fear of bodily injury, it did not provide her with standards to govern her conduct, such as requiring that the fear be reasonable or that the fear be that of imminent bodily injury. Although her conduct may have been a clear violation of other laws, such as terrorizing,⁶ it would not have been clear to her that her conduct was prohibited by 9 GCA § 30.10(a)(2) given that the statute reaches a substantial amount of conduct, both innocent

⁶ “A person is guilty of terrorizing if he communicates to any person a threat to commit or to cause to be committed a crime of violence dangerous to human life, against the person to whom the communication is made or another, and the natural and probable consequence of such a threat, is to place the person to whom the threat is communicated or the person threatened in reasonable fear that crime will be committed.” 9 GCA § 19.60(a) (2005).

and criminal alike. Her conduct raises too many unanswered questions as to what would be enough to constitute a violation of the statute. What if she did not look through her purse and just made the statements? Or if instead she simply said, "Get out of my face" or "Get out of my face or else"? Or if she was already looking in her purse when she made the statement? Or what if her daughter or sister were irrationally fearful individuals? The statute provides no help in distinguishing between each of these variations, thereby making it difficult to know where to draw the line in any given situation.

[35] We now turn to the second reason a statute may be invalidated for vagueness: where it violates "the requirement that a legislature establish minimal guidelines to govern law enforcement." *Kolender v. Lawson*, 461 U.S. 352, 358 (1983) (citation omitted).

2. Arbitrary and Discriminatory Enforcement

[36] As this court noted in *Perez*, "it has been recognized that the more important aspect of [the] vagueness doctrine 'is not actual notice, but the other principal element of the doctrine – the requirement that a legislature establish minimal guidelines to govern law enforcement.'" 1999 Guam 2 ¶ 7 (quoting *Kolender*, 461 U.S. at 358). "[V]agueness is dangerous because it permits arbitrary enforcement of the law, violating the basic principles of the Fourteenth Amendment." *Decker*, *supra*, at 60 (footnote omitted). "A law must provide 'ascertainable standards of guilt' that guide the arm of enforcement." *Id.* at 61 (quoting *Winters v. New York*, 333 U.S. 507, 515 (1948)). "The absence of an ascertainable standard of guilt in a given legal proscription gives police officers, prosecutors, and the triers of fact unlimited discretion to apply the law and, thus, there is a danger of arbitrary and discriminatory enforcement of such a law." *Id.* (footnote omitted).

[37] Section 30.10(a)(2) does not provide any guidelines whatsoever to govern law enforcement. On the one hand, this unlimited discretion is helpful in that it allows law enforcement to decide not to arrest or prosecute conduct that, though technically a violation of the statute, is otherwise innocent (such as the plastic spider prank suggested by the trial court). On the other hand, the unfettered discretion poses a clear danger of arbitrary and discriminatory enforcement of the statute. Because a substantial amount of conduct is implicated by the broad terms of the statute, it is essentially up to law enforcement to decide which violations are worthy of punishment and which are not.

[38] Also, the statute provides essentially no guidance to triers of fact. So long as the prosecution proves that some intentional, knowing, or reckless conduct on the part of the defendant causes fear of bodily injury in a family member, the defendant must be found guilty under the Act. Thus, even if there had been no rummaging through a purse (assuming that qualifies as an "overt act"), Shimizu might have been found guilty. Even if Shimizu somehow proved that her daughter or sister were irrationally fearful people, she still technically would be guilty under the statute.

[39] Accordingly, we hold that 9 GCA § 30.10(a)(2) is vague on its face as it provides neither fair notice as to the type of conduct prohibited by the statute nor minimal guidelines to govern law enforcement. The trial court's findings that there was sufficient evidence of imminence and that the victims' fear was reasonable are irrelevant because the jury was instructed on neither concept. The jury was not instructed that the victims' fear must have been reasonable or that the fear must have been that of imminent bodily injury. The judge's determination that sufficient evidence existed to satisfy proof of those issues is of no relevance because he was not the trier of fact in this case, and neither was listed as an element of the offense.

[40] To the extent *People v. Perez*, 1999 Guam 2, suggests that 9 GCA § 30.10(a)(2) is not unconstitutionally vague, we overrule.

V. CONCLUSION

[41] For the foregoing reasons, we hold that 9 GCA § 30.10(a)(2) is facially invalid because it is unconstitutionally vague. It provides neither fair notice to ordinary citizens of what conduct is prohibited or permitted by the statute, nor minimal guidelines to govern law enforcement. Accordingly, we REVERSE.

/s/
F. PHILIP CARBULLIDO
Associate Justice

/s/
KATHERINE A. MARAMAN
Associate Justice

/s/
ROBERT J. TORRES
Chief Justice



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

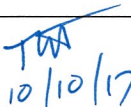

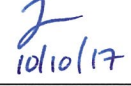

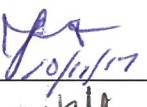



Chairperson of the Committee

On Culture and Justice

*I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature*

COMMITTEE VOTE SHEET

**Bill No. 175-34 (COR), As Amended by the Committee on Culture and Justice,
Therese M. Terlaje – An act to ensure that Guam's Family Violence laws are
enforceable and that family violence cases are successfully prosecuted by
amending § 30.10 of Chapter 30, Title 9, Guam Code Annotated.**

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Vice Speaker Therese M. Terlaje Chairperson	 10/10/17					
Senator Telen Cruz Nelson Vice Chairperson	 10/10/17					
Speaker B.J.F. Cruz Member						
Senator FRANK B. AGUON, JR. Member						
Senator Joe S. San Agustin Member	 10/10/17					
Senator Louise B. Muña Member						
Senator Fernando Esteves Member						



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

COMMITTEE REPORT DIGEST

Bill No. 175-34 (COR), As Amended by the Committee on Culture and Justice - Therese M. Terlaje – An act to ensure that Guam's Family Violence laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Chapter 30, Title 9, Guam Code Annotated.

I. OVERVIEW

Bill No. 175-34 (COR) was introduced on September 6, 2017 by Vice Speaker Therese M. Terlaje and was subsequently referred by the Committee on Rules to the Committee on Culture and Justice on September 13, 2017.

The Committee on Culture and Justice convened a public hearing on Bill No 175-34 (COR) on September 28, 2017 at 5:30 PM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices for this public hearing were disseminated via email to all senators and all main media broadcasting outlets on September 20, 2017 and again on September 26, 2017. The notice was also published in the Guam Daily Post on September 21, 2017 and in the Pacific Daily News on September 23, 2017.

Senators Present

Vice Speaker Therese M. Terlaje, Chairperson
Senator Régine Biscoe Lee

Appearing Before the Committee

Joe McDonald, Chief Prosecutor, Office of the Attorney General
Stephen Hattori, Executive Director, Public Defender Service Corporation
Jocelyn Roden, Attorney, Public Defender Service Corporation
Richard Dirkx, Deputy Director, Public Defender Service Corporation
Karen Carpenter, Victim Advocates Reaching Out (VARO)

Submitted Written Testimony

Elizabeth Barrett Anderson, Attorney General, Office of the Attorney General
Stephen Hattori, Executive Director, Public Defender Service Corporation
Richard Dirkx, Deputy Director, Public Defender Service Corporation
Karen Carpenter, Victim Advocates Reaching Out (VARO)
John Q. Lizama, Administrator of the Courts, Judiciary of Guam
Harold Parker, Guam Legal Services Corporation-Disability Law Center

II. SUMMARY OF TESTIMONY & DISCUSSION

Vice Speaker Therese Terlaje, Chairperson of the Committee on Culture and Justice called the public hearing to order at 5:33 PM. The Chairperson presented the agenda items that would be heard during the hearing and then took a moment to recognize the Committee members present. Bill No. 175-34 (COR) was the first item on the agenda. Chairperson Terlaje provided introductory remarks on Bill No. 175-34 (COR).

Chairperson Terlaje

I would like to thank the public for attending this evening's hearing. Both bills that we are discussing today are regarding family violence. We know nationally and in Guam this continues to be a serious issue for our community.

Based on statistics from the National Coalition Against Domestic Violence, 1 in 3 women and 1 in 4 men have been physically abused by an intimate partner. On a typical day, domestic violence hotlines nationwide receive approximately 20,800 calls.

And on Guam, according to the Judiciary's 2016 annual report, over the last 3 years, Family Violence has consistently been the top offense charged of all their cases annually. In 2016, there were 494 cases involving family violence charges and 128 of them were felony offense.

Both of the bills that will be discussed tonight were introduced in an effort to protect victims and witnesses of family violence.

Bill No. 175-34 is an act to ensure that Guam's Family Violence laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Chapter 30, Title 9, Guam Code Annotated. The intent of Bill No. 175-34 (COR) is to clarify the existing definition of family violence following the Supreme Court of Guam reversal earlier this month of a family violence conviction due to the 9 GCA § 30.10(a)(2) being unconstitutionally vague. The Supreme Court of Guam in *People v. Shimizu*, 2017 Guam 11, determined that the language in the statute defining "family violence" as including "placing a family or household member in fear of bodily injury" did not

provide fair notice to ordinary citizens as to what conduct it prohibits, and it did not establish minimal guidelines to govern law enforcement. The goal is to amend this act to ensure that the statute provides fair notice as to what conduct it prohibits and to ensure that the statute establishes required guidelines for law enforcement.

Let me just read the part of the bill that includes the definition. In place of the language that the Supreme Court found too vague, this bill proposes to add subsection 2 but under subsection (a). So subsection (a) says "family violence means the occurrence of one or more of the following acts. And the one that we are adding is "communicating to a family or household member a threat to commit or to cause to be committed bodily injury or a crime of violence dangerous to human life, against the person to whom the communication is made or another, and the natural and probable consequence of such a threat, is to place the person to whom the threat is communicated or the person threatened in reasonable fear that crime will be committed." So that is the language that we are discussing tonight.

We received written testimony and we will also hear oral testimony today from Joe McDonald, the Chief Prosecutor thank you for being here, please come on up. Attorney Stephen Hattori from the Public Defender Services thank you very much. Jocelyn Roden from the Public Defenders. We have written testimony today from Richard Dirxx from the Public Defender, Karen Carpenter and some information, not testimony that was provided from Harold Parker from the Guam Legal Services.

Chief Prosecutor Joe McDonald: That is correct Madame Vice Speaker.

Chairperson Terlaje: Ok. Alright, we will begin with you Mr. McDonald, please.

Chief Prosecutor Joe McDonald: Buenas yan hafa adai Madame Vice Speaker and Madame Secretary. Thank you on behalf of the Attorney General for inviting us down today and for your quick action and remedying the deficiency in the statute. So at this time I would like to read our written testimony into the record. And at the appropriate time I would take questions.

Chief Prosecutor Joe McDonald: See attached testimony from Attorney General Elizabeth Barrett Anderson which was read aloud by Chief Prosecutor Joe McDonald.

Chairperson Terlaje: Thank you very much. Mr. Hattori?

Attorney Stephen Hattori: See attached testimony.

Chairperson Terlaje: Thank you very much Attorney Hattori. Ms. Roden?

Attorney Jocelyn Roden: Can you hear me? I normally don't need a microphone to be heard but good evening Vice Speaker Terlaje and Senator Régine Lee. Just so we're clear, I stand firmly shoulder to shoulder with my colleagues, the Director, Stephen Hattori, and Senior Attorney Richard Dirkx. And to help you if you have any questions, I brought every iteration of the family violence statute, from the starting when it was passed in December 30, 1994, Public Law 22-160, where a very young attorney Terlaje was the legislative attorney. [Laughter]

Attorney Richard Dirkx: Still young.

Attorney Jocelyn Roden: Still young legislative attorney. Back to the blue books as we know it. All the way up to the new green books in 2005, and I even brought with it the codification up to 2017. Basically, the two things I'd like to point out is I support that we should follow or perhaps the legislation should take a look at the Shimizu decision to take its lead, on the recommendation as to the imminence requirement. As far as reasonable fear, that actually has been addressed in the People vs. Root, the 2000 case where the terrorizing statute was examined by the Guam Supreme Court. And it is quite plain to me as a practicing attorney for many years that your proposed statute tracks your terrorizing statute, 9 GCA 19.60. I'm at this point also requesting the Legislature and echoing the thoughts and requests of our Director for the Legislature to look at having a public hearing to review the entire family violence statute. It is my thought that passing this proposed legislation would be a good willed intent to stitch what is a complicated fabricated that has been modified over time. Perhaps it is time now for the Guam Legislature to look at the needs and concerns of all the people on our island, citizens, non-citizens, people who will be affected by the family violence statute, victims, people who serve in the military, the reservists. At this point I also echo that point that we should probably look at the entire statute at this point. With that, I request the Legislature to look at the imminence provision suggested by the People vs. Shimizu, and as my Director recommended to review the entire family violence statute little bit more. Thank you.

Chairperson Terlaje: Thank you. Attorney Dirkx?

Attorney Richard Dirkx: I was on the task force that drafted both prior family violence laws. In part I'm saying that I played a key role in drafting the constitutional statute; I don't know if that is a good thing or not. I tried to be very careful this time. I filed some written input that is very nit picky if, you will. I'm not going into all that, because like everyone who spoke here so far, I think this statute can be fixed with a couple of very simple changes. I don't think it's bad when we can't charge family violence when it's really a terrorizing case. Somebody is threatening someone with a shotgun, that's terrorizing. We have a good statute for that. What we need here is a statute for less serious offenses that happen usually inside the home. I think the Attorney General's

suggestion was very good except the fear can't be either imminent or reasonable; it's going to have to be both. A fear that is a threat or a fear that is both open ended until the end of time, is going to be too vague and Shimizu addressed that. A fear that isn't reasonable, someone is afraid every time their husband walks through the door, that is not going to pass muster either. Making it both reasonable and imminent does a great deal in solving the problem. We also need a mental state in this statute. Right now, there isn't one. The former statute had the mental state of "reasonable" and I noticed that when the Legislature passed subsection 3, I believed it is now "knowingly" or "intentionally". That would keep those two parts of the statute together. Since we're talking about communications and we're going to be treading into territory where the Shimizu position didn't help us much. Which is speech, just pure speech. Probably knowingly or intentionally, would be a better mental state. Another thing and I addressed it in my written response is I'm troubled by the idea that the communication can be made to another. We're calling this family violence if the first person to whom the communication is made is a family member. But there is no requirement that the person be the target of the threat or that they be afraid. If the third person is not a family member, but they are the target, or they are the one who is afraid. It's the third person in the chain. There is no requirement that they be a family member. It's still family violence just because it was initially communicated to the first person. I don't think that is the intention of we want to do with the act. I think that what we want to do is address the situation where people are together or close to being together in a small space, a threat is articulated to a family member who becomes in fear. Another problem and I've actually seen a few arrests on this so we may need a statute, frankly. And I mentioned this briefly in my written response. We're seeing situations where a communication will be made in a way that it doesn't last, usually by a phone call or a snapchat a person. Person A communicates with Person B. Person B communicates with Person C, or D. It goes down the line until eventually someone is frightened by what they think Person A said. There's a danger that this statute is vague enough to be extrapolated into that pure form of communication. I've actually seen a young man arrested. He never left his house. He never talked with the person who was a afraid and actually he was talking about hurting himself. And I don't think that's what we want to do with this statute either. We're trying to cover the situation where if people are being in a heated argument, one of the lines they don't cross is that you don't put the family member in fear where now or very soon I'm going to hurt you and you're reasonable to believe I'm going to hurt you. That's a crime and it should be. And I thank the Legislature particularly the Vice Speaker for getting on this so quickly after the court spoke. Thank you.

Chairperson Terlaje: Thank you. If you don't mind I'm going to ask we have Karen Carpenter who also signed up. If you could also join us up on the panel. We'll hear your testimony, Mrs. Carpenter and then we'll have questions. Thank you.

Karen Carpenter: My testimony is very brief. My concern was that when you talk about threat it doesn't have a definition. So I had suggested under Section 2, 30.10, Definitions number 2, "communicating to a family or household member, through words or actions, a threat to commit." Because threats don't have to involve words. And that would make it clear. I'm just concerned that somebody is going to read this and think it has to involve words. And chasing somebody around the yard with a machete isn't necessarily words but it definitely is a threat. That's it.

Chairperson Terlaje: Ok. Thank you very much. If you don't mind answering some questions. First of all, I want to thank you for bringing up the point that the family violence statute overall could use some changes at this point. I think we've seen a lot of the benefit from it and we've seen some things we could fix right away and we will try to do that. I'm going to try to put together a round table and I know Senator Lee is also very interested in that.

I'm happy for your participation and I think you are the core people who I would like to see participate. It represents a very good sector of who is dealing with the family violence cases. The Supreme Court decision, I just want to make it very clear what your interpretation is. I read it to mean that it is requiring reasonable and/or imminent. And when you say it must include both, Attorney Dirx, are you saying that statute must or just that practicality says that we should.

Attorney Richard Dirx: To withstand judicial scrutiny I would think it requires both. The fear by the victim must be reasonable. If she's afraid of green hats and her husband comes in wearing a green hat that isn't going to be a reasonable fear. And that's an extreme situation but the Shimizu court did discuss this and it was part of the briefing. Imminence is required because... well, when our son turns 18, I'm going to chase you with a hammer. Well if that's not going to happen for 10 years, it's not a real threat. Of course, there's a giant grey area. But there is a requirement that the threat has to be communicated in some such a way that something bad is going to happen now or fairly soon and because of that the victim has a fear that is reasonable. That's my reading of Shimizu and I also checked some of the other statutes they cited and that seems to be the requirement. If it's imminent too, it also just by the way it will work out factually, it means that the actors will be close in time and place. And I think that is what we are trying to punish with the statute not pure speech.

Chairperson Terlaje: Chief McDonald?

Chief Prosecutor Joe McDonald: Yes.

Chairperson Terlaje: Your testimony, you're suggesting imminent fear or reasonable fear? Do you think this suffices for the statute?

Chief Prosecutor Joe McDonald: Yes, so the way I would view it or the way we would view it is that the decision itself says “or” so it is disjunctive. And that’s what is required for notice that it’s either imminent or reasonable. And to require them both, would require two determinations by a fact finder that they were both present. So that’s not what the court had said. The court had said either or. Or both.

Chairperson Terlaje: So, let’s say that you’re correct and that’s what the courts says. But what do you think about the Public Defender’s suggestions for “reasonable fear of imminent bodily injury.”

Chief Prosecutor Joe McDonald: I think I understood it to be reasonable fear of imminent bodily injury. That reasonableness requirement, it’s present in what we’re recommending.

Chairperson Terlaje: Say that again?

Chief Prosecutor Joe McDonald: It’s also present in what we’re recommending.

Chairperson Terlaje: Yes.

Chief Prosecutor Joe McDonald: We’re just allowing more flexibility because of the...

Chairperson Terlaje: The “or.”

Chief Prosecutor Joe McDonald: The diverse nature of the facts that can happen in any family violence situation.

Chairperson Terlaje: Alright.

Attorney Richard Dirkx: May I ask what the wording is that you are proposing? Maybe we’re not in odds at all.

Chairperson Terlaje: Ok. Could we just give everybody a copy of the others’ testimony so you could see how they are all spelled out.

We see that the AG’s Office is proposing “imminent fear or reasonable fear of bodily injury.” The Director of the Public Defender is proposing “in reasonable fear of imminent bodily injury.” I guess I would like a little bit more testimony, if you are willing, about each other’s proposals. It sounds like you read it like I did, and it said “and” and “or.”

Chief Prosecutor Joe McDonald: "Or."

Chairperson Terlaje: Yes. That "or" would be sufficient but what do you think is best? If we had our chance right now to change it then, do you believe your recommendation is best for your purposes? The more flexibility.

Chief Prosecutor Joe McDonald: Yes, I think what we're looking for again is trying to cover the situations that would be constitutionally ok with respect to notice. With the requirement for instance "reasonable fear of imminent bodily injury," is we're not talking about reasonably believing that there is bodily injury. We're talking about imminent bodily injury. When you think about all the permutations I think our language catches more of those permutations. This law, even though it has been struck, we at least have so many examples of this type of conduct that is prohibited coming up that we will need to, although keeping in mind constitutional notice, we will actually need to have some flexibility somewhere. Again, it's intended to protect our family members so I think it's an expansive or at least a varied opportunity to charges is probably preferable. Again, the idea is to have this conduct go through a family court system, which is a specialty court, which is designed to handle this flexibility, justified in that instance.

Chairperson Terlaje: If your language says placing another family or household member in imminent fear. Imminent fear, does that mean it could be unreasonable?

Chief Prosecutor Joe McDonald: No. Imminent fear, I think imminent fear just means that it's going to happen.

Chairperson Terlaje: Ok.

Chief Prosecutor Joe McDonald: And that reasonableness, is imminent fear or reasonable fear.

Chairperson Terlaje: Alright.

Chief Prosecutor Joe McDonald: Another thing I would point out is it's in the eyes of the victim.

Chairperson Terlaje: Right. Ok. Alright.

Attorney Stephen Hattori: And the reason why I made them both requirements was because the Supreme Court in that ruling while they used the phrase "or" at times, they said that the statute was void for vagueness for two different reasons. One was that it didn't provide for fair notice and the other was it didn't provide standards, the minimal

guidelines to govern law enforcement. So when you include both of those, "imminent"... well the "reasonable fear" would be the minimal guidelines that would govern law enforcement and the "imminent," it doesn't prohibit all threats, just imminent threats and that would provide fair notice to the residents to exactly what is prohibited conduct not just any kind of threat. It has to be one of imminence. This is just like the example that Mr. Dirkx cited where the threat that may or may not happen ten years down the road. The Supreme Court indicated in the Shimizu case that there were two problems, the fair notice and the minimal guidelines and so I think to be safe we should include both because one addresses the fair notice defect and the other one takes care of the minimal guidelines problem.

Chairperson Terlaje: Do you have any comment on that?

Attorney Jocelyn Roden: I think we are actually on the same page. Mr. Dirkx can explain that we are actually on the same page.

Chairperson Terlaje: Ok. Great. Mr. Dirkx.

Attorney Richard Dirkx: I think where we're at is the government is proposing imminent fear or reasonable fear. Conceptually, I'm sorry, I don't know what imminent fear is? Imminent is something that is coming. It's something that is about to happen. If you are placed in imminent fear, are you actually afraid? I don't think so. I think the requirement we're trying to punish is the person who puts their family member in genuine fear that the only limitation is that it must be a reasonable fear. What are they afraid of? They are afraid of imminent bodily injury. A bodily injury that is coming. Its on its way. It's vague in time but if it's imminent, it can't be protracted. I'm going to beat you up on our son's 21st birthday. I'm not sure quite honestly that imminent fear has a meaning that we could use in court. I agree with Stephen and Jocelyn. I think the appropriate language is that the family member be placed in reasonable fear of imminent bodily injury.

Chairperson Terlaje: Alright. Can I ask a different question then? If we keep the word "threat," does anyone have an objection to including Mrs. Carpenter's suggestion of "words or actions"?

Attorney Richard Dirkx: I think she's spot on.

Chairperson Terlaje: Yes. I know I read this in other jurisdictions and I took it out because there's another statute that uses the word threat to include both but I have no problem including that. Does the Attorney General's Office have a problem including that?

Chief Prosecutor Joe McDonald: The communication would come either way.

Chairperson Terlaje: Alright. What about something else that I included here? I understand from your testimony it may be problematic but I was trying to cover that the threat might not be to be bodily injury to you but to another family in the room. A lot of times you hear the story about the children or another family member being threatened. They're telling you they are going to hurt some else in the family. Do you think it needs to be covered in this statute?

Attorney Jocelyn Roden: That's already in the code, the terrorizing statute.

Chairperson Terlaje: In the terrorizing.

Attorney Jocelyn Roden: Yes, because you can make a threat to the target or to the person you are speaking to or to pass it to another person and making the person listening to your statement afraid that it can be carried out.

Chairperson Terlaje: Ok and I heard your point Mr. Dirkx charging him under terrorizing in your opinion is fine instead of them falling under the family violence and having them serve two cases.

Attorney Richard Dirkx: Actually one of the things that crossed my mind when I saw the language from the terrorizing statute to commit a crime of violence dangerous to human life. If we put that in this statute, we might inadvertently be reducing terrorizing to a misdemeanor if the family member is a victim. And I don't think anybody is arguing for that. So that's why bodily injury is what we went with in the original statute years ago. Bodily injury is defined in the criminal code so we have the definition we've been using for years. I'm a little worried about the third party aspect because we're seeing more parents getting arrested for physical punishment of children than we used to and so much depends on how we were raised right? There are some cases you look at it and of course that person deserves to be locked up. There are others where the child has done something horrible and one parent is usually the punisher and they act. They may not have committed child abuse because it is a different definition and parents do have the right to use corporal punishment. But we're seeing people getting charged under the grey area in the family violence statute. Of course, I don't always agree with the charging decisions the AG made but if I did they wouldn't be aggressive enough.

Chairperson Terlaje: Ok. And then finally the mental state? I know you said you think we need one but does anyone think we need to include a mental state in this subsection?

Chief Prosecutor Joe McDonald: Well I think the mental state, since it is the model penal code, will always reflect recklessness and so the question becomes what does that

mean? How can you recklessly communicate a threat? Well, you could be drunk and so you are reckless in your words or you're reckless in placing someone in fear as opposed to intentional. The intentional aspect needs to be clarified as a mental state. And then again if you are looking to treat it as a specialty court issue, then you probably want to include a little more, at least charging flexibility or arresting flexibility, so that at least we're allowing the family to prepare itself in that way.

Chairperson Terlaje: Do you think it's necessary in this statute to include a mental intent?

Chief Prosecutor Joe McDonald: Madame Vice Speaker I'm always an incrementalist and if the problem doesn't present itself then let's not invent the problem. The Supreme Court has identified a problem. Let's go ahead and let the statute take its course.

Chairperson Terlaje: Alright. Attorney Hattori, do you have any comment on that mental state?

Attorney Stephen Hattori: I was actually going to make that a part of my testimony but then I realized that it's stated elsewhere in the statute, what the requisite mental state is. 30.20 (a) so it already states it.

Chairperson Terlaje: Where?

Attorney Stephen Hattori: Subsection 30.20 subparagraph a; any person who knowingly or intentionally commits an act of violence as defined in section 30.10.

Chairperson Terlaje: Ok.

Attorney Richard Dirkx: We could leave it that way if we want but what it means is the government will have to choose one perhaps at their peril. I think this does obviate my worry which is someone speaking, muttering under his breath not knowing he's being overheard. I'm not sure that should be criminalized.

Chairperson Terlaje: Alright I appreciate that. I appreciate all your testimony and I will consider all the detailed points that we were discussing today. I will also look at those we haven't discussed and I'm going to open it up for questions from Senator Lee.

Karen Carpenter: Can I say something?

Chairperson Terlaje: Yes of course.

Karen Carpenter: I think I know what you are saying Mr. Dirkx but I am not a lawyer but I think so. But my concern is, because you used the example of someone who is drunk. Sometimes they are serious. So just saying because they are drunk and saying I'm going to kill you that they are not is not necessarily true.

Attorney Richard Dirkx: I'm sorry the example I used was someone who didn't know someone was there to hear the threat.

Karen Carpenter: Ok.

Attorney Richard Dirkx: You and I are on the same page. We usually are Karen.

Chairperson Terlaje: Would that be covered under example knowingly or intentionally?

Attorney Richard Dirkx: Yes, I think so.

Chairperson Terlaje: Ok. Senator Lee?

Senator Régine Biscoe Lee: Thank you so much Madame Chair and thank you all for participating I really appreciate it. Sorry about the microphones, I just want to make sure we get your valuable testimony on the record so when the committee comes back, we can make sure to capture your suggestions. I have one question or a couple of questions for the panel. Maybe if anybody can give me some input about page 2 line 7. It's the beginning of the subsection 2 or part 2. "Communicating to a family or household member a threat or becomes a threat to cause a bodily injury" and it continues. Do you think that the communicating aspect of it, that it might potentially limit cause to speak and may be considered a free speech issue? I just want to get your opinion. Is that something that somebody can use? I just want to make sure that this law is as strong as it can possibly be.

Attorney Richard Dirkx: The statute is going to be tested. It's going to be thrown into an arena. But this word has been tested before if you put in "communicating by words or actions" as Karen Carpenter is suggesting, that in part gets past the idea that we are talking about pure communication. And if what is being prohibited is a reasonable fear of risk of bodily injury that is going to happen right now or very soon, I think the only constitutional issues that will come up are when the communication itself is ambiguous. "I'm going to teach you a lesson" and "you'll be sorry." Maybe that person is saying wait until you get the legal papers Monday morning? We don't know. Once again, I'm not sure that will be thrown out on free speech grounds. It will be a matter that will go to 6 or 12 people and they will decide on the basis of all the testimony whether this was something the person had the right to say or whether the result was that they put a family member in reasonable fear of bodily injury. The guy's waving a hammer when he

says you'll be sorry. That's a little different which is why the suggestion Karen made is very important.

Senator Régine Biscoe Lee: Thank you.

Chief Prosecutor Joe McDonald: I would like to comment on that idea and having further reflection on it. Communicating through words or actions. Now we all have children and they no longer communicate like they did with words or actions. Sometimes it's an emoji. To limit it to what we understand through communication from the 21st century might not stand the test of time. So we might want to think about it more. A fist, knife, a gun? I remember back when we had pagers we made numbers into words so that communication aspect varies with how humans communicate normally. It could be a look, right? A look a poor household has seen before that precipitated extreme violence. So I would make sure the Legislature when considering that language, remembers the idea is communication.

Senator Régine Biscoe Lee: Thank you. Just one last question.

Attorney Stephen Hattori: Could I just add something?

Senator Régine Biscoe Lee: Yes, sure.

Attorney Stephen Hattori: When I first read the bill I was actually really happy with it. What it appears to do is it removes terrorizing when a family member is a victim from a felony to a misdemeanor. And on behalf of our clients, I'm sure they will all prefer that. But I'm not sure if that's what the Legislature intends and I'm not sure as a policy if that's a good thing. We definitely need terrorizing in a proper situation but that's why when you transferred the language of the terrorizing statute into the family violence statute it opens up the arguments at least for our office to make that family terrorizing when involving a family member should only be charged as a misdemeanor. And that's why the language we proposed was recommended by the court. We know it would withstand scrutiny of the Supreme Court level. And it would avoid this conflict that will happen when we start filing motions to dismiss terrorizing because there's a more specific statute that governs when a family member is involved. That's all that I wanted to add.

Senator Régine Biscoe Lee: Thank you Mr. Hattori.

Attorney Richard Dirkx: I'd like to also comment that this subsection 2 has been a very useful subsection where we have cases that are charged as terrorizing but neither side is really confident of what the jury is going to do. Having this misdemeanor sort of straddling the middle ground where the person is put in fear of bodily injury though not

necessarily a crime of violence dangerous to human life. It has been a useful statute to have on the books and I agree with Stephen and I'm sure the prosecutors agree too. The language of crime of violence dangerous to human life. I don't think that should be there it runs the risk of reducing the terrorizing to down to a misdemeanor.

Senator Régine Biscoe Lee: Thank you. I actually had a question about that as well, if it might be a fact issue later. Ok. Again I really appreciate all of your expertise and I appreciate you taking the time to comment on this bill. And I really appreciate the Vice Speaker for taking swift action to address this and I look forward to working with you. To continue to strengthen what we have in existence. And I look forward to what we can do to address more issues. Again I thank the Vice Speaker and Madame Chair.

Chairperson Terlaje: Thank you very much. I'm going to wrap up the part of the public hearing regarding Bill 175. Thank you again for testifying. I want to also thank all the service providers and the first responders to the family violence victims for their efforts. The month of October is Family Violence Awareness Month. There are many community organizations and agencies that are working with families and perpetrators to make our community safe and especially all of you and I want to thank all of you for that work, thank you very much.

Chairperson Terlaje: There being no additional individuals to testify on Bill 175, we'll keep this open until October 10, 2017 for acceptance of any additional information or public testimony. You may submit testimony directly to my office here at the Guam Congress Building or through email at senatorterlajeguam@gmail.com. The second item on our agenda is bill 177. You are all excused unless you are staying for Bill 177. Thank you very much

The public hearing was adjourned at 7:00 PM.

III. FINDINGS & RECOMMENDATIONS

The Supreme Court of Guam in *People v. Shimizu*, 2017 Guam 11, determined that the language in the statute defining "family violence" as including "placing a family or household member in fear of bodily injury" did not provide fair notice to ordinary citizens as to what conduct it prohibits, and it did not establish minimal guidelines to govern law enforcement. Based on testimony from the Office of the Attorney General and the Public Defender Service Corporation, the Committee on Culture and Justice recommends the terms "reasonable" and "imminent" be included in the language of the statute defining "family violence." The Committee is amending the statute to read, "placing another family or household member in reasonable fear of imminent bodily injury."

The Committee on Culture and Justice hereby reports out **Bill No. 175-34 (COR), As Amended by the Committee on Culture and Justice**, An act to ensure that Guam's Family Violence laws are enforceable and that family violence cases are successfully prosecuted by amending § 30.10 of Chapter 30, Title 9, Guam Code Annotated to *I Mina'trentai Kuåttro na Liheslaturan Guåhan*, with the recommendation

TO DO PASS.

I MINA 'TRENTAI KUATTRO NALIHESLATURANGUAHAN
2017 (FIRST) Regular Session

Bill No. 175-34 (COR)

Introduced by:

Therese M. Terlaje 

**AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE
LAWS ARE ENFORCEABLE AND THAT FAMILY
VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY
AMENDING § 30.10 OF TITLE 9, GUAM CODE ANNOTATED.**

CS-2017 SEP -6 PM 4:15

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

2 **Section 1.** Legislative Findings and Intent. *I Liheslatura* finds that the
3 Supreme Court of Guam in People v. Shimizu, 2017 Guam 11, deemed 9 GCA §
4 30.10(a)(2) as unconstitutionally vague. The court determined that the language in
5 the statute defining “family violence” as including “placing a family or household
6 member in fear of bodily injury” did not provide fair notice to ordinary citizens as
7 to what conduct it prohibits, and it did not establish minimal guidelines to govern
8 law enforcement. It is the intent of *I Liheslatura* to ensure that Guam’s family
9 violence laws are enforceable and that family violence cases are successfully
10 prosecuted. 9 GCA § 30.10 (a)(2) is amended by this Act to ensure that the statute
11 provides fair notice as to what conduct it prohibits and to ensure that the statute
12 establishes required guidelines for law enforcement.

13 **Section 2.** § 30.10 of Title 9, Guam Code Annotated, is hereby amended to
14 read:

15 § 30.10. Definitions. As used in this Chapter:

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

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

6 (2) ~~Placing a family or household member in fear of bodily injury.~~
7 Communicating to a family or household member a threat to commit or to
8 cause to be committed bodily injury or a crime of violence dangerous to
9 human life, against the person to whom the communication is made or
10 another, and the natural and probable consequence of such a threat, is to
11 place the person to whom the threat is communicated or the person
12 threatened in reasonable fear that crime will be committed.

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

Senator Thomas C. Ada
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUÁTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

PRE-REFERRAL CHECKLIST

Bill No. 175-34 (COR) AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE LAWS ARE ENFORCEABLE AND THAT FAMILY VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY AMENDING § 30.10 OF TITLE 9, GUAM CODE ANNOTATED		
(A) Legal Bureau	<p>(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p>	<p>Notice to Legal Bureau: <u>Wed. 9-6-17 @ 5pm</u></p> <p>Completed by Legal Bureau: <u>Wed. 9-13-17 @ 11:50a.m.</u></p>
(B) Office of Finance & Budget (OFB)	<p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Notice to OFB: <u>Wed. 9-12-17 @ 5pm</u></p> <p>Completed by OFB: <u>Tues., 9-12-17 @ 9:35a.m.</u></p>
COR Action	<p>Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Completed by: <u>xc 9-13-17 @ 2:20pm</u></p>

PRE-REFERRAL CHECKLIST

Bill No. 175-34 (COR)		
AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE LAWS ARE ENFORCEABLE AND THAT FAMILY VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY AMENDING § 30.10 OF TITLE 9, GUAM CODE ANNOTATED		
(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time) 9.13.17 12:30pm. Completed by: (Signature, Date & Time) 9.13.17 12:30pm.
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	
COR Action	<input type="checkbox"/> Return to Prime Sponsor <input checked="" type="checkbox"/> Refer to: 	Date & Time: 9.13.17 @ 2:20 pm
For COR Office Use Only	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Initial: 9.13.17 @ 2:20 pm If NO: Provide letter of explanation (see attached).

I MINA 'TRENTAI KUATTRO NA LIHESLATURANGUÅHAN
2017 (FIRST) Regular Session

Bill No. 175-34 (COR)

As Amended By the Committee on Culture and Justice

Therese M. Terlaje

**AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE
LAWS ARE ENFORCEABLE AND THAT FAMILY
VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY
AMENDING § 30.10 OF CHAPTER 30, TITLE 9, GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that the Supreme Court of Guam in People v. Shimizu, 2017 Guam 11, deemed 9 GCA § 30.10(a)(2) as unconstitutionally vague. The court determined that the language in the statute defining “family violence” as including “placing a family or household member in fear of bodily injury” did not provide fair notice to ordinary citizens as to what conduct it prohibits, and it did not establish minimal guidelines to govern law enforcement. It is the intent of *I Liheslatura* to ensure that Guam’s family violence laws are enforceable and that family violence cases are successfully prosecuted. 9 GCA § 30.10 (a)(2) is amended by this Act to ensure that the statute provides fair notice as to what conduct it prohibits and to ensure that the statute establishes required guidelines for law enforcement.

Section 2. § 30.10 of Chapter 30, Title 9, Guam Code Annotated, is hereby *amended* to read:

§ 30.10. Definitions. As used in this Chapter:

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

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

6 (2) Placing ~~a~~ another family or household member in reasonable fear
7 of imminent bodily injury.

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

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

September 22, 2017

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chairperson, Committee on Rules

Re: Fiscal Note Waivers

Buenas yan Håfa adai.

Attached, please find the fiscal note waivers for the following bills:

Bill No. 167-34 (LS)

Bill No. 175-34 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Jean Cordero, Committee on Rules Director, at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Régine Biscoe Lee
Chairperson, Committee on Rules





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

SEP 22 2017

Senator Regine Biscoe Lee
Chairperson, Committee on Rules
I Mina' Trentai Kuattro na Liheslaturan Guahan
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa adai Senator Lee:

The Bureau requests that Bill No. 175-34 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Legislative Bill No. 175-34 is seeking to amend § 30.10 of Chapter 30, Title 9 of the Guam Code Annotated as the court determined that the current language in the statute defining "family violence" is vague, reading "placing a family or household member in fear of bodily injury". The subject Bill proposes to amend the following language to now read, "Communicating to a family or household member a threat to commit or to cause to be committed bodily injury or a crime of violence dangerous to human life, against the person to whom the communication is made or another, and the natural and probable consequence of such a threat, is to place the person to whom the threat is communicated or the person threatened in reasonable fear that crime will be committed." Ultimately, the amendment under § 30.10 (a)(2) is to ensure that the statute provides fair notice as to what conduct prohibits and to ensure that the statute establishes required guidelines for law enforcement.

The proposed amendments are administrative in nature and would not fiscally impact the appropriations for FY 2017.

Si Yu'os Ma'ase,

LESTER L. CARLSON, JR.

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

COMMITTEE REPORT CHECKLIST

Part 1 / 1

Bill No. 175-34 (COR) As amended by the Committee on Culture and Justice. AN ACT TO ENSURE THAT GUAM'S FAMILY VIOLENCE LAWS ARE ENFORCEABLE AND THAT FAMILY VIOLENCE CASES ARE SUCCESSFULLY PROSECUTED BY AMENDING § 30.10 OF CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED.		
REFERRED TO: Senator Therese M. Terlaje, Committee on Culture and Justice.		
(A) FISCAL NOTE or WAIVER	(1) Requested by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: <i>Mon., September 18, 2017 @ 9:49 a.m.</i>
	(2) Received by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: <i>Fri., September 22, 2017 @ 10:30 a.m.</i>
	(3) Waived by COR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Date & Time:
	(4) Bill contains appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: (4/5)(a) Funding Availability Note/Waiver (OFB) attached? <input type="checkbox"/> YES <input type="checkbox"/> NO (Unable to file CMTE Report) (4/5)(b) Funding source identified? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(5) Bill contains an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(4/5)(c) Funds available and sufficient? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(6) Restrictions Against Unfunded Appropriations (2 GCA § 9101) <input type="checkbox"/> Identifies specific alternate funding source <input type="checkbox"/> De-appropriates from previous appropriation with available funds and fiscal note <input type="checkbox"/> Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community"	

If no boxes checked:

**UNABLE TO PLACE ON
SESSION AGENDA**
2 GCA § 9102



Committee Report Checklist on
Bill No. 175-34 (COR) As amended by the Committee.
Part 1 / 1

(B) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (ALL Senators & ALL Media)	Date and Time of Notice: Wed., September 20, 2017 @ 5:45 p.m.
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: Tues., September 26, 2017 @ 8:25 a.m.
	(2) Date and Time of Hearing: Thurs., September 28, 2017 @ 5:30 p.m.	or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Attach memo indicating WAIVER
	(3) Location: Public Hearing Room, Guam Congress Building	
	(5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b)	
	(a) Committee elects to ^{amend} substitute bill? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If YES: Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (a)(3) Public Hearing noticed? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
(b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO <hr/> COR Chair	

Committee Report Checklist on
Bill No. 175-34 (COR) As amended by the Committee.
 Part 1 / 1

(C) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES: Date & Time: <u>Wed., October 11, 2017</u> <u>@ 12:07 p.m.</u>		Notes:	If NO: UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Date & Time:			
	(2) LAND LEGISLATION			
	(a) Bill involves government taking, transfer, purchase, or lease of land? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		If YES: ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b)	
	(a)(1) Please indicate on both columns:			
	(i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government		
	(b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		If YES: INCLUDE Land Zoning Consideration Report 2 GCA § 2110	
	(b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		If YES: INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)]	
	(b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A			

Committee Report Checklist on
Bill No. 175-34 (COR) As amended by the Committee.
Part 1 / 1

(D) COMMITTEE REPORT (continued)	(3) G.A.R.R. LEGISLATION SR § 6.04(c)(1) 5 GCA §§ 9301 and 9303	
	a) Bill involves approving or amending Rules and Regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Economic Impact Statement 5 GCA §§ 9301 (d), 9301 (e), 9301 (f)
	(4) COMMITTEE REPORT COMPONENTS	
	(a) Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	(a)(1) COR Chair Signature Line	<input checked="" type="checkbox"/>
	(b) Title Page	<input checked="" type="checkbox"/>
	(c) Committee Chair Memo to All Committee Members	<input checked="" type="checkbox"/>
	(d) COR Referral Memorandum	<input checked="" type="checkbox"/>
	(e) Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>
	(f) Public Hearing Agenda	<input checked="" type="checkbox"/>
	(g) Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>
	(h) Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>
	(i) Committee Vote Sheet(s)	<input checked="" type="checkbox"/>
	(j) Committee Report Digest(s)	<input checked="" type="checkbox"/>
	(k) Bill History	<input checked="" type="checkbox"/>
	(k)(1) Copy of Bill as introduced	<input checked="" type="checkbox"/>
	(k)(2) COR Pre-Referral Checklist	<input checked="" type="checkbox"/>
	(k)(3) Copy of Bill as corrected by Prime Sponsor (if applicable)	<input type="checkbox"/> N/A
	(k)(4) Copy of Bill as amended/substituted by Committee (if applicable)	<input checked="" type="checkbox"/>
	Substitute/Amended Mark-Up Version	<input checked="" type="checkbox"/>
	Substitute/Amended Word-Version Emailed to COR?	<input type="checkbox"/>
	(l) Fiscal Note/Waiver and Funding Availability Note (OFB)	<input checked="" type="checkbox"/> BEMR
	(m) Two (2) Property Appraisals (if applicable)	<input type="checkbox"/> N/A
	(n) Related News Reports (optional)	<input type="checkbox"/> N/A
	(o) Miscellaneous (optional)	<input type="checkbox"/> N/A
	(p) Committee Report Checklist(s)	<input checked="" type="checkbox"/>
	Originals	<input checked="" type="checkbox"/>
	Single-Sided	<input checked="" type="checkbox"/>
	Letter Size	<input checked="" type="checkbox"/>
	No Staples/ Paper Clips	<input checked="" type="checkbox"/>
(E) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time) <i>Signature</i> 10/11/17 10.11.17 @ 12:45pm.