



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the People's Speaker
Vicente (Bente) Pangelinan

AUG 01 2003

31 JUL 2003

TIME: 11:40 AM 1 PM
RECEIVED BY: [Signature]

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith please find Bill No. 43 (LS), "AN ACT TO STRENGTHEN THE PROTECTION OF CONFIDENTIAL INFORMATION OF THE GUAM CRIME STOPPERS PROGRAM, THROUGH THE AMENDMENT OF §503.1 OF ARTICLE 5 OF DIVISION 1 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO PRIVILEGED COMMUNICATIONS," which I have signed into law on July 18, 2003 as Public Law 27-25.

Sincerely yours,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muña-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

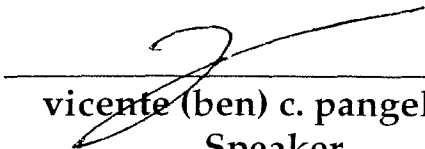
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 43 (LS), "AN ACT TO STRENGTHEN THE PROTECTION OF CONFIDENTIAL INFORMATION OF THE GUAM CRIME STOPPERS PROGRAM, THROUGH THE AMENDMENT OF §503.1 OF ARTICLE 5 OF DIVISION 1 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO PRIVILEGED COMMUNICATIONS," was on the 7th day of July, 2003, duly and regularly passed.

Attested:




Tina Rose Muña-Barnes
Senator and Legislative Secretary



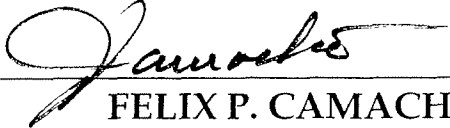
vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 8th day of July, 2003, at
3:17 o'clock P.M.



Assistant Staff Officer
Maga'laha'i's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 7/18/03

Public Law No. 27-25

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 43 (LS)

As amended on the Floor.

Introduced by:

v. c. pangelinan
J. M. Quinata
Ray Tenorio
T. R. Muña-Barnes
F. B. Aguon Jr.
J. M. S. Brown
F. R. Cunliffe
C. Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
R. J. Respicio
Toni Sanford

AN ACT TO STRENGTHEN THE PROTECTION OF
CONFIDENTIAL INFORMATION OF THE GUAM CRIME
STOPPERS PROGRAM, THROUGH THE AMENDMENT OF
§503.1 OF ARTICLE 5 OF DIVISION 1 OF TITLE 6, GUAM
CODE ANNOTATED, RELATIVE TO PRIVILEGED
COMMUNICATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that because of a budget shortfall within the government of Guam,
4 the Guam Crime Stoppers Program had to creatively find ways to continue

1 its main objective in assisting the Guam Police Department solve crimes.
2 As part of its effort to prevent a negative impact on the organization
3 caused by the government of Guam's budgetary problems, the
4 organization has considered launching a volunteer program, as well as
5 entering into a partnership between the Guam Crime Stoppers and other
6 groups in our community. Other ideas of the organization include drawing
7 on resources from the private sector of our island. However, the need to
8 strengthen current laws in protecting confidential information of the Guam
9 Crime Stoppers Program is imperative in order to successfully implement
10 its innovative ideas.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide the
12 necessary legislation in order to assist the Guam Crime Stoppers Program
13 in its efforts in dealing with the financial cuts, without compromising its
14 services to the people of Guam.

15 **Section 2.** §503.1 of Article 5 of Division 1 of Title 6, Guam Code
16 Annotated, is hereby *amended* to read as follows:

17 **"§503.1. Privileged communications and information to**
18 **Crime Stoppers organizations. (a) Definitions.** For purposes of
19 this Section:

20 (1) *The Crime Stoppers Organization* means a private,
21 nonprofit organization that accepts and expends donations for
22 rewards to persons who report to the organization information
23 concerning criminal activity and that forwards the information
24 to the appropriate law enforcement agency;

1 (2) *Privileged communication* means information provided
2 by any person, in any manner whatsoever, to a Crime Stoppers
3 organization in reporting alleged criminal activity;

4 (3) *Protected information* means the identity of the person
5 reporting criminal activity to a Crime Stoppers organization,
6 any records, statements (oral, written or recorded), papers,
7 documents or any materials whatsoever utilized by a Crime
8 Stoppers organization in reporting criminal activity or in
9 processing such information, whether such information is in
10 the possession of a Crime Stoppers organization, a police
11 'Crime Stoppers' coordinator or his staff, or a law enforcement
12 agency receiving such information from a Crime Stoppers
13 organization or a third party or entity that was a part of the
14 process of gathering or transmitting such records, statements
15 (oral, written or recorded), papers, documents or any materials
16 or information that could individually or collectively be used,
17 either directly or indirectly, to reveal the identity of the
18 informant.

19 **(b) Nondisclosure of privileged communication or**
20 **protected information.** No person, police 'Crime Stoppers'
21 coordinator or his staff, or member of a Crime Stoppers
22 organization's board of directors, crime stoppers volunteer, or any
23 other person or entity who has such information or knowledge of
24 such information shall be required to disclose, by way of testimony
25 or any other means, privileged communication or protected

1 information unless such failure to disclose infringes on the
2 constitutional rights of the accused. Nor shall such persons be
3 required to produce, under subpoena, any records, documentary
4 evidence, opinions or decisions relating to such privileged
5 communication or protected information (i) in connection with any
6 criminal case, criminal proceeding, civil case, civil proceeding or any
7 administrative hearing of whatever nature, or (ii) by way of any
8 discovery procedure.

9 (c) **Inspection of records.** Any person arrested or charged
10 with a criminal offense may petition the court for an *in camera*
11 inspection of the records of a privileged communication or protected
12 information concerning such person made to a Crime Stoppers
13 organization. The petition shall allege facts showing that such
14 records would (i) provide evidence favorable to the accused, (ii) be
15 relative to the issue of guilt, and (iii) cause a deprivation of a
16 constitutional right if such communication or information is not
17 disclosed. If the court determines that, based on such criteria, the
18 person is entitled to all or any part of such records, it may order
19 production and disclosure as is necessary, protecting to the extent
20 possible, the identity of the 'Crime Stoppers' informant.

21 (d) **Penalty for disclosure.** Disclosure of a privileged
22 communication or protected information in violation of this Section
23 shall be a felony of the third degree.

24 (e) Although the Crime Stoppers organization is authorized
25 to hire legal counsel to assure the enforcement of the provisions of

1 this Section and to provide protection of information as set out in this
2 Section, the Attorney General shall, to the extent possible, quash any
3 subpoenas or other discovery efforts to obtain any protected
4 information as defined in Subsection (a) above and shall, to the extent
5 authorized by law, take whatever action is necessary to assure
6 anonymity of the Crime Stoppers informant and to protect said
7 protected information.”

8 **Section 3. Severability.** *If* any provision of this Law or its
9 application to any person or circumstance is found to be invalid or
10 contrary to law, such invalidity shall *not* affect other provisions or
11 applications of this Law which can be given effect without the invalid
12 provisions or application, and to this end the provisions of this Law are
13 severable.

g
I MINA' BENTE SIETE NA LIHESLATURAN GUAHAN

2003 (FIRST) Regular Session

Date: 7/7/03

VOTING SHEET

Bill No. 43

Resolution No. _____

Question: _____

| NAME | YEAS | NAYS | NOT VOTING/ ABSTAINED | OUT DURING ROLL CALL | ABSENT |
|-------------------------------|------|------|--------------------------|-------------------------|--------|
| AGUON, Frank B., Jr. | | | | | ✓ EA |
| BROWN, Joanne M. S. | ✓ | | | | |
| CUNLIFFE, F. Randall | ✓ | | | | |
| FERNANDEZ, Dr. Carmen | ✓ | | | | |
| FORBES, Mark | ✓ | | | | |
| KASPERBAUER, Lawrence F. | ✓ | | | | |
| KLITZKIE, Robert | ✓ | | | | |
| LEON GUERRERO, Lourdes A. | ✓ | | | | |
| LUJAN, Jesse A. | | | | | ✓ EA |
| MUÑA-BARNES, Tina Rose | ✓ | | | | |
| pangelinan, vicente "ben" C. | ✓ | | | | |
| QUINATA, John "JQ" M. | ✓ | | | | |
| RESPICIO, Rory J. | ✓ | | | | |
| SANFORD, Antoinette "Toni" D. | ✓ | | | | |
| TENORIO, Ray | ✓ | | | | |

TOTAL

13

2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



SENATOR JOHN M. QUINATA

Democrat Assistant Majority Whip

Committee on Public Safety & Tourism
Chairman

Committee on Judiciary & Transportation
Vice-Chairman

Committee on Appropriation & Budgeting, General Government Operations, Reorganization & Reform
Member

Committee on Community, Culture, Recreation & Public Broadcasting
Member

Committee on Rules & Health
Member

Committee on Economic Development, Retirement, Investments, Public Works, & Regulatory Functions
Member

Committee on Youth & Senior Citizens, Federal & Foreign Affairs
Member

June 20, 2003

Speaker Vicente "Ben" Pangelinan
I Mina' Bente Siete Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, Guam 96910

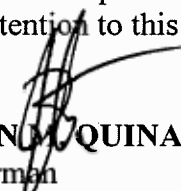
Dear Mr. Speaker:

The Committee on Public Safety and Tourism, to which **BILL NO. 43(LS)** was referred, wishes to report its findings and recommendations TO **PASS BILL NO. 43(LS)**.

The voting record for **BILL NO. 43(LS)** is as follows:

| | |
|----------------------------------|------------------|
| TO PASS | <u> 6 </u> |
| NOT TO PASS | <u> 0 </u> |
| TO REPORT OUT | <u> 0 </u> |
| ABSTAIN | <u> 0 </u> |
| TO PLACE IN INACTIVE FILE | <u> 0 </u> |

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


JOHN M. QUINATA
Chairman

Attachments



SENATOR JOHN M. QUINATA

Democrat Assistant Majority Whip

Committee on Public Safety
& Tourism
Chairman

Committee on Judiciary &
Transportation
Vice-Chairman

Committee on Appropriation
& Budgeting, General
Government Operations,
Reorganization & Reform
Member

Committee on Community,
Culture, Recreation &
Public Broadcasting
Member

Committee on Rules & Health
Member

Committee on Economic
Development, Retirement,
Investments, Public Works, &
Regulatory Functions
Member

Committee on Youth &
Senior Citizens,
Federal & Foreign Affairs
Member

June 20, 2003

MEMORANDUM

TO: Committee Directors
FROM: Chairman
SUBJECT: Committee Report on **BILL NO. 43(LS)**

This memorandum is accompanied by the following:
Committee Voting Sheet

1. Committee Report
2. Public Hearing Sign-in Sheet
3. Notice of Public Hearing
4. Testimonies Submitted

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.


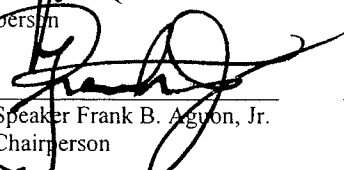
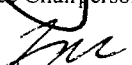
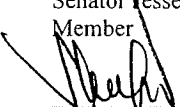


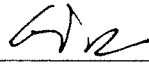
Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me. Thank you and si Yu'os ma'ase.


JOHN M. QUINATA
Chairman

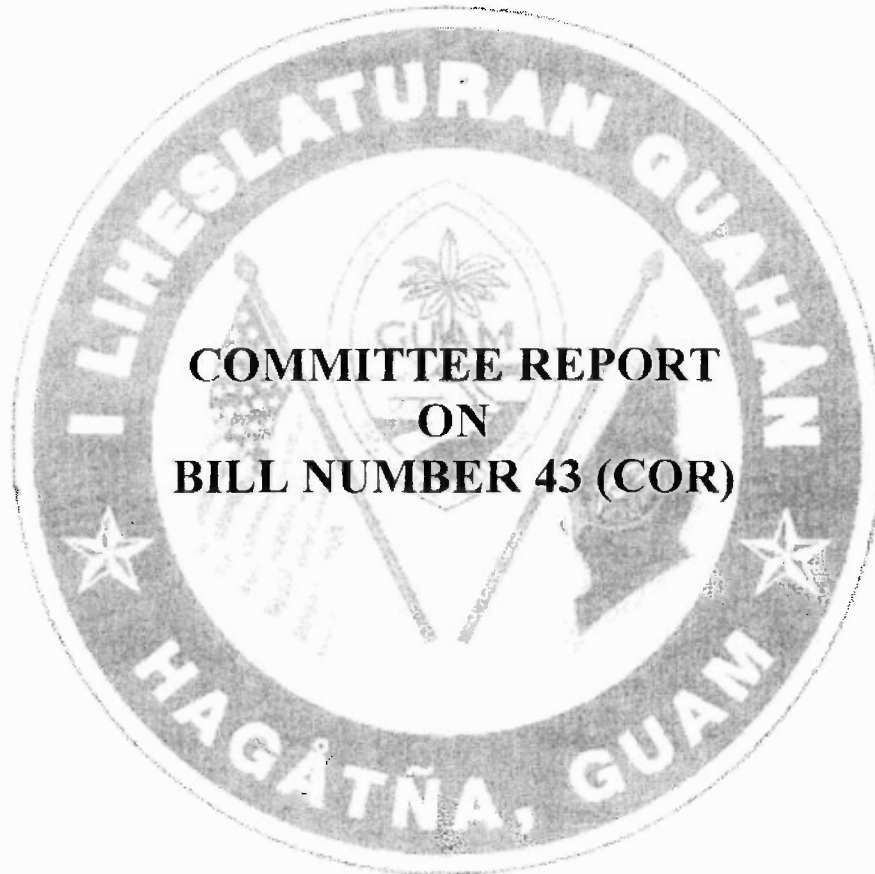
Attachments

Committee Voting Sheet
Committee on Public Safety and Tourism
Sinadot John M. Quinata, Ge'Hilo'

BILL NUMBER 43 (LS) "AN ACT TO STRENGTHEN THE PROTECTION OF CONFIDENTIAL INFORMATION OF THE GUAM CRIME STOPPERS PROGRAM, THROUGH THE AMENDMENT OF SECTION 503.1 OF ARTICLE 5 OF DIVISION 1 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO PRIVILEGED COMMUNICATIONS."

| Committee Members | To Pass | Not to Pass | Report Out | Abstain | Inactive File |
|--|---|-------------|------------|---------|---------------|
|  Senator John M. Quinata Chairperson | ✓ | | | | |
|  Vice Speaker Frank B. Aguiar, Jr. Vice Chairperson | ✓ | | | | |
|  Senator F. Randall Cunliffe Member | ✓ | | | | |
| Senator Lawrence F. Kasperbauer Member | | | | | |
| Senator Jesse A. Lujan Member | | | | | |
|  Senator Tina R. Muna-Barnes Member | ✓ | | | | |
|  Senator Rory J. Respecio Member |  | | | | |
|  Senator Toni Sanford Member | ✓ | | | | |
| Speaker Vicente "Ben" Pangelinan <i>ex officio</i> Member | | | | | |

I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
COMMITTEE ON PUBLIC SAFETY AND TOURISM
SENATOR JOHN M. QUINATA, CHAIRMAN



COMMITTEE REPORT
ON
BILL NUMBER 43 (COR)

“AN ACT TO STRENGTHEN THE PROTECTION OF CONFIDENTIAL INFORMATION OF THE GUAM CRIME STOPPERS PROGRAM, THROUGH THE AMENDMENT OF SECTION 503.1 OF ARTICLE 5 OF DIVISION 1 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO PRIVILEGED COMMUNICATIONS.”

I Mina' Bente Siete Na Liheslaturan Guåhan
Committee on Public Safety and Tourism
Sinadot John M. Quinata, Ge' hilo

I. OVERVIEW

Bill 43, was authored by Speaker Vicente "Ben" Pangelinan. Bill No. 43 (LS) is "*An Act To Strengthen The Protection Of Confidential Information Of The Guam Crime Stoppers Program, Through The Amendment Of Section 503.1 Of Article 5 Of Division 1 Of Title 6, Guam Code Annotated, Relative To Privileged Communications.*"

The Committee on Rules and Health referred Bill 43 to the Committee on Public Safety and Tourism on Wednesday, April 4, 2003, for disposition. A Public Hearing was held on Wednesday, April 22, 2003, convening at 9:00 a.m., at the Legislative Hearing Room, *Hagåtña*, Guam. Two public notices were printed in the Pacific Daily News on April 19, 2003 and April 21, 2003 and attached herein.

a. Senators present:

1. Members of the Committee on Public Safety and Tourism

Senator John M. Quinata – Chairman
Senator Tina R. Muna-Barnes
Senator Jesse Lujan
Senator Rory J. Respicio
Senator Vicente "Ben" Pangelinan Ex officio Member

2. Participating Senators Present

Senator Carmen Fernandez
Senator Robert Klitzkie

b. Appearing before the Committee:

Mr. Bob Pearson, Guam Crime Stoppers, Board of Directors Member.

c. **Oral testimony provided**

Mr. Bob Pearson, Guam Card Member

d. **Written testimony provided**

Mr. Bob Pearson, Guam Card Member

II. TESTIMONY SUMMARY

Senator Quinata

- The Chairman, Committee on Publicism yielded to Speaker Pangelinan to provide a summarized briefing of (COR.)

Speaker Pangelinan

- Speaker Pangelinan provided the facts:
 - The proposed measure provides amendments to enhance the Crime Stoppers Program which protect's constitutional right through discovery which includes civil cases, and criminal cases.
 - Crime Stoppers due to final will be able to enter into agreements with private entities along with civic organizations.

Mr. Bob Pearson member of the Board of Crime Stoppers Program submitted oral testimony and stated the following:

- He is a member of the Board of the local Crime Stoppers Program and also is on the Board of Crime Stoppers International.

- Several years ago in the State of Illinois there was a law suit and the law suit was by an innovative attorney from the public defenders office in Quince Illinois who went after confidential information provided by Crime Stoppers.
- There is an awareness that Crime Stoppers is a program that provides confidential information to various law enforcement agencies.
- The program for enforcement purposes does not have to go through the court process to obtain information but through bits and pieces forwarded from the program to an investigator to piece the puzzle so that they can solve crimes.
- Guam was the first jurisdiction to enact a crime stoppers confidentiality law that protected the information provided by Crime Stoppers.
- The reason for this proposed measure was stimulated by a law suit in Illinois. The defense counsel did not go after Guam Crime Stoppers or the Police Department but subpoenaed the phone company and the records of the phone company. It could be argued that our current law could possibly protect that information.
- Legislation which the Speaker was good enough to introduce was a balance of the rights of an individual and of the protection and competence of confidential information so that the public can maintain confidence and credibility with the program knowing that if they called and left information so another third party could not get their names. Some of these people get this information at risk because the crimes they report are serious crimes.
- Crime Stopper tips has solved murder cases on Guam. For example, there was a Crime Stoppers tip that solved the treasury of Guam robbery and for the program

to be able to obtain that type of information there must be an assurance of confidentiality to protect the people who call the program.

- Crime Stoppers drafted legislation when a decision on the Illinois court suit was rendered. We reviewed our local laws and proposed a draft. The board of directors reviewed the draft and a copy was sent to the general council of Crime Stoppers International and Judge Carter, who is a legal advocate for review. In fact Crime Stoppers received e-mail from Judge Carter stating he had taken the draft and distributed to other Jurisdictions as a legislative model.
- Mr. Pearson stated he was present as a member of the board of directors and a citizen. This measure was discussed by the board of directors and is an important piece of legislation for the future of the Crime Stoppers Program.
- If there is a time in our history that the program may need to find or locate various citizen organizations, whether it be nonprofit groups or any organizational group to assist the program in various government functions this proposed measure will get us through the budget crunches and will puts legs on the streets of law enforcement garnering extra assistance at a minimal cost to the government.
- The only cost to the government is the law enforcement officer who's assign to be the coordinator.
- The Police Department provides the Office space, but the program provides computers, desk, chairs, phone lines, and other administrative necessities. In keeping this program viable, Crime Stoppers request to report favorably on the bill.

- Speaker Pangelinan provided the following closing statements.
 - Balance between the constitutional right of individual versus the public's attempt to work in partnership with private and nonprofit organizations.

- Senator Barnes rendered the following comments.
 - Supports the intent of the Bill.

- Senator Fernandez stated the following:
 - That she is fully supportive of the bill.

- Senator Respecio stated:
 - Commends the Speaker for being creative and being innovative. When there is a problem within the government it is not more money to solve the problems but to think out of the box.
 - Supports the measure.

Senator Quinata in closing commented:

- Supports the bill and is glad that this measure may be used as a template for other jurisdictions to follow.

Public Hearing for Bill Number 43(COR) was adjourned on 10:07 a.m., April 22, 2003.

III. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety and Tourism finds that that because of budget shortfall within the government of Guam, the Guam Crime Stoppers Program had to creatively find ways to continue its main objective in assisting the Guam Police Department solve crimes. As part its effort to prevent negative impact on the organization caused by GovGuam's budgetary problems, the organization has considered launching a volunteer program, as well as entering into a partnership between the Guam Crime Stoppers and other groups in our community. Other ideas of the organization include drawing on resources from the private sector of our island. However, the need to strengthen current laws in protecting confidential information of the Guam Crime Stoppers Program is imperative in order to successfully implement its innovative ideas.

The Committee also finds that it is necessary to provide the necessary legislation in order to assist the Guam Crime Stoppers Program in its efforts in dealing with the financial cuts, without compromising its services to the people of Guam.

The Committee on Public Safety and Tourism, to which Bill 43 was referred does hereby submit its findings and recommendations to *I Mina' Bente Siete Na Liheslaturan Guåhan* TO PASS Bill Number 43 (COR), as substituted, "*AN ACT TO STRENGTHEN THE PROTECTION OF CONFIDENTIAL INFORMATION OF THE GUAM CRIME STOPPERS PROGRAM, THROUGH THE AMENDMENT OF SECTION 503.1 OF ARTICLE 5 OF DIVISION 1 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO PRIVILEGED COMMUNICATIONS.*"

MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

2003 FEB 26 AM

Bill No. 43 (LS)

Introduced by:

v.c. pangelinan
J.M. Quintana

AN ACT TO STRENGTHEN THE PROTECTION OF
CONFIDENTIAL INFORMATION OF THE GUAM
CRIME STOPPERS PROGRAM, THROUGH THE
AMENDMENT OF SECTION 503.1 OF ARTICLE 5 OF
DIVISION 1 OF TITLE 6, GUAM CODE
ANNOTATED, RELATIVE TO PRIVILEGED
COMMUNICATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds
3 that because of budget shortfall within the government of Guam, the Guam
4 Crime Stoppers Program had to creatively find ways to continue its main
5 objective in assisting the Guam Police Department solve crimes. As part its
6 effort to prevent negative impact on the organization caused by GovGuam's
7 budgetary problems, the organization has considered launching a volunteer
8 program, as well as entering into a partnership between the Guam Crime
9 Stoppers and other groups in our community. Other ideas of the organization
10 include drawing on resources from the private sector of our island. However,
11 the need to strengthen current laws in protecting confidential information of

1 the Guam Crime Stoppers Program is imperative in order to successfully
2 implement its innovative ideas.

3 Therefore, it is the intent of *I Liheslaturan Guahan* to provide the
4 necessary legislation in order to assist the Guam Crime Stoppers Program in
5 its efforts in dealing with the financial cuts, without compromising its services
6 to the people of Guam.

7 Section 2. Section 503.1 of Article 5 of Division 1 of Title 6, Guam Code
8 Annotated is hereby *amended* to read as follows:

9 **"§503.1. Privileged communications and information to Crime**
10 **Stoppers organizations. (a) Definitions.** For purposes of this
11 section: (1) Crime Stoppers organization means a private, nonprofit
12 organization that accepts and expends donations for rewards to
13 persons who report to the organization information concerning
14 criminal activity and that forwards the information to the
15 appropriate law enforcement agency;

16 (2) Privileged communication means information
17 provided by any person, in any manner whatsoever, to a
18 Crime Stoppers organization in reporting alleged
19 criminal activity;

20 (3) Protected information means the identity of
21 the person reporting criminal activity to a Crime Stoppers
22 organization, any records, statements (oral, written or
23 recorded), papers, documents or any materials
24 whatsoever utilized by a Crime Stoppers organization in
25 reporting criminal activity or in processing such

1 information, whether such information is in the
2 possession of a Crime Stoppers organization, a police
3 "Crime Stoppers" coordinator or his staff, or a law
4 enforcement agency receiving such information from a
5 Crime Stoppers organization or a third party or entity
6 that was a part of the process of gathering or transmitting
7 such records, statements (oral, written or recorded),
8 papers, documents or any materials or information that
9 could individually or collectively be used, either directly
10 or indirectly, to reveal the identity of the informant.

11 (b) Nondisclosure of privileged communication or
12 privileged protected information. No person, police "Crime
13 Stoppers" coordinator or his staff, or member of a Crime Stoppers
14 organization's board of directors, crime stoppers volunteer, or any
15 other person or entity who has such information or knowledge of
16 such information shall be required to disclose, by way of testimony
17 or any other means, privileged communication or protected
18 ~~privileged~~ information unless such failure to disclose infringes on
19 the constitutional rights of the accused. Nor shall such persons be
20 required to produce, under subpoena, any records, documentary
21 evidence, opinions or decisions relating to such privileged
22 communication or protected information (i) in connection with any
23 criminal case, criminal proceeding, civil case, civil proceeding or
24 any administrative hearing of whatever nature, or (ii) by way of
25 any discovery procedure.

1 (c) Inspection of records. Any person arrested or charged
2 with a criminal offense may petition the court for an in camera
3 inspection of the records of a privileged communication or
4 protected information concerning such person made to a Crime
5 Stoppers organization. The petition shall allege facts showing that
6 such records would (i) provide evidence favorable to the accused,
7 (ii) be relative to the issue of guilt, and (iii) cause a deprivation of a
8 constitutional right if such communication or information is not
9 disclosed. If the court determines that, based on such criteria, the
10 person is entitled to all or any part of such records, it may order
11 production and disclosure as is necessary, protecting to the extent
12 possible, the identity of the "Crime Stoppers" informant.

13 (d) Penalty for disclosure. Disclosure of a privileged
14 communication or protected ~~privileged~~ information in violation of
15 this section shall be a felony of the third degree.

16 (e) Although the Crime Stoppers organization is authorized
17 to hire legal counsel to assure the enforcement of the provisions of
18 this section and to provide protection of information as set out in
19 this section the Attorney General shall, to the extent possible,
20 quash any subpoenas or other discovery efforts to obtain any
21 protected information as defined in subsection 2 above and shall to
22 the extent authorized by law take whatever action is necessary to
23 assure anonymity of the crime stoppers informant and to protect
24 said protected information.

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



MINA BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE

SENATOR JOHN M. QUINATA

Chairman

COMMITTEE ON PUBLIC SAFETY AND TOURISM

E-Mail address: senatorjq@hotsheet.com interim
Ada Commercial & Professional Building, Suite 108-F
215A Chalan Santo Papa Road Hagatña, Guam 96910

Telephone: (671) 479-1457/9/60
Facsimile: 479-1458

Waiver on Fiscal Note

In accordance with §9105 of Title 2 GCA, I hereby certify that prompt committee action on Bill Number 43 (COR) is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill Number 43 (COR).



JOHN M. QUINATA
Chairman
Committee on Public Safety and Tourism



MINA'BIOTE SIETE NA LIHESLATURAN GUAHAN
TWENTY-SEVENTH GUAM LEGISLATURE

SENATOR JOHN M. QUINATA

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215A Chalan Santo Papa Road Hagatña, Guam 96910

Telephone: (671) 479-1457/8
Facsimile: 477-2602

Agenda

Public Hearing

The Committee on Public Safety and Tourism
I Liheslaturan Guahån's Public Hearing Room
Tuesday, April 22, 2003, 9:00a.m.

1. **The Committee will hear three (3) nominations by I Maga'lahaen Guahån to the Guam Parole Board. The nominees are:**
 - a. **Jose Q. Salas - Member**
 - b. **Edward T. Flores - Member**
 - c. **Francisco L. Marion - Member**

2. **The Committee will also receive testimonies and comments on the following measure:**

Bill Number 43 (LS) - "AN ACT TO STRENGTHEN THE PROTECTION OF CONFIDENTIAL INFORMATION OF THE GUAM CRIME STOPPERS PROGRAM, THROUGH THE AMENDMENT OF SECTION 503.1 OF ARTICLE 5 OF DIVISION 1 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO PRIVILEGED COMMUNICATIONS."

The Committee on Public Safety and Tourism solicits any written testimonies from the Public on the Confirmation Hearings that has been tentatively rescheduled on appointments made by the **Honorable Felix P. Camacho**, *I Maga'lahaen Guahån*, for *I Liheslaturan Guahån's* consent of the following nominees:

Mike F. Uncangco
Fire Chief
Guam Fire Department

Ricardo C. Blas
Director
Customs and Quarantine Agency

Earl C. Aguigui
Chief of Police
Guam Police Department

Public Hearing NOTICE

9:00 a.m., Tuesday

April 22, 2003

I Liheslaturan Guahàn
Public Hearing Room

AGENDA

Confirmation Hearing of:

"Jose Q. Salas"

"Edward T. Flores"

"Francisco L. Marion"

for the Guam Parole Board

*by authority pursuant to Chapter 2 of
Title 4 of the Guam Code Annotated.*

The Committee will also hear
Comments and Testimonies on:

Bill Number 43 (LS) - AN ACT
TO STRENGTHEN THE PRO-
TECTION OF CONFIDENTIAL
INFORMATION OF THE GUAM
CRIME STOPPERS PROGRAM,
THROUGH THE AMENDMENT
OF SECTION 503.1 OF ARTICLE
5 OF DIVISION 1 OF TITLE 6,
GUAM CODE ANNOTATED,
RELATIVE TO PRIVILEGED
COMMUNICATIONS.

The Committee on Public Safety
and Tourism has rescheduled
the public hearing and solicits
written testimonies on the appoint-
ments of the following nominees:

Earl C. Aguigui

Chief of Police

Guam Police Department

Michael F. Uncangco

Fire Chief

Guam Fire Department

Ricardo C. Blas

Director

Customs and Quarantine Agency

*Individuals requiring special accommo-
dations, auxiliary aids or services are
asked to contact the Office of Senator
John M. Quinata. Written testimonies
may be submitted in advance of the
Public Hearing.*

Senator John M. Quinata
Chairman

Committee on Public Safety and Tourism

Sta. 103-F, Ada Commercial & Professional Bldg.
215A Chalan Sanpapa Road, Hagaña


79-1457 senquinata@hotsheet.com

Ad appeared on the
Guam Pacific Daily
News on 4/19/03
1
4/21/03.

MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 43 (LS)

Introduced by:

v.c. pangelinan
J.M. QUINATA 

AN ACT TO STRENGTHEN THE PROTECTION OF
CONFIDENTIAL INFORMATION OF THE GUAM
CRIME STOPPERS PROGRAM, THROUGH THE
AMENDMENT OF SECTION 503.1 OF ARTICLE 5 OF
DIVISION 1 OF TITLE 6, GUAM CODE
ANNOTATED, RELATIVE TO PRIVILEGED
COMMUNICATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds
3 that because of budget shortfall within the government of Guam, the Guam
4 Crime Stoppers Program had to creatively find ways to continue its main
5 objective in assisting the Guam Police Department solve crimes. As part its
6 effort to prevent negative impact on the organization caused by GovGuam's
7 budgetary problems, the organization has considered launching a volunteer
8 program, as well as entering into a partnership between the Guam Crime
9 Stoppers and other groups in our community. Other ideas of the organization
10 include drawing on resources from the private sector of our island. However,
11 the need to strengthen current laws in protecting confidential information of

1 the Guam Crime Stoppers Program is imperative in order to successfully
2 implement its innovative ideas.

3 Therefore, it is the intent of *I Liheslaturan Guahan* to provide the
4 necessary legislation in order to assist the Guam Crime Stoppers Program in
5 its efforts in dealing with the financial cuts, without compromising its services
6 to the people of Guam.

7 **Section 2.** Section 503.1 of Article 5 of Division 1 of Title 6, Guam Code
8 Annotated is hereby *amended* to read as follows:

9 **“§503.1. Privileged communications and information to Crime**
10 **Stoppers organizations. (a) Definitions.** For purposes of this
11 section: (1) Crime Stoppers organization means a private, nonprofit
12 organization that accepts and expends donations for rewards to
13 persons who report to the organization information concerning
14 criminal activity and that forwards the information to the
15 appropriate law enforcement agency;

16 (2) Privileged communication means information
17 provided by any person, in any manner whatsoever, to a
18 Crime Stoppers organization in reporting alleged
19 criminal activity;

20 (3) Protected information means the identity of
21 the person reporting criminal activity to a Crime Stoppers
22 organization, any records, statements (oral, written or
23 recorded), papers, documents or any materials
24 whatsoever utilized by a Crime Stoppers organization in
25 reporting criminal activity or in processing such

1 information, whether such information is in the
2 possession of a Crime Stoppers organization, a police
3 "Crime Stoppers" coordinator or his staff, or a law
4 enforcement agency receiving such information from a
5 Crime Stoppers organization or a third party or entity
6 that was a part of the process of gathering or transmitting
7 such records, statements (oral, written or recorded),
8 papers, documents or any materials or information that
9 could individually or collectively be used, either directly
10 or indirectly, to reveal the identity of the informant.

11 (b) **Nondisclosure of privileged communication or**
12 **~~privileged~~ protected information.** No person, police "Crime
13 Stoppers" coordinator or his staff, or member of a Crime Stoppers
14 organization's board of directors, crime stoppers volunteer, or any
15 other person or entity who has such information or knowledge of
16 such information shall be required to disclose, by way of testimony
17 or any other means, privileged communication or protected
18 ~~privileged~~-information unless such failure to disclose infringes on
19 the constitutional rights of the accused. Nor shall such persons be
20 required to produce, under subpoena, any records, documentary
21 evidence, opinions or decisions relating to such privileged
22 communication or protected information (i) in connection with any
23 criminal case, criminal proceeding, civil case, civil proceeding or
24 any administrative hearing of whatever nature, or (ii) by way of
25 any discovery procedure.

1 **(c) Inspection of records.** Any person arrested or charged
2 with a criminal offense may petition the court for an in camera
3 inspection of the records of a privileged communication or
4 protected information concerning such person made to a Crime
5 Stoppers organization. The petition shall allege facts showing that
6 such records would (i) provide evidence favorable to the accused,
7 (ii) be relative to the issue of guilt, and (iii) cause a deprivation of a
8 constitutional right if such communication or information is not
9 disclosed. If the court determines that, based on such criteria, the
10 person is entitled to all or any part of such records, it may order
11 production and disclosure as is necessary, protecting to the extent
12 possible, the identity of the "Crime Stoppers" informant.

13 **(d) Penalty for disclosure.** Disclosure of a privileged
14 communication or protected ~~privileged~~ information in violation of
15 this section shall be a felony of the third degree.

16 **(e)** Although the Crime Stoppers organization is authorized
17 to hire legal counsel to assure the enforcement of the provisions of
18 this section and to provide protection of information as set out in
19 this section the Attorney General shall, to the extent possible,
20 quash any subpoenas or other discovery efforts to obtain any
21 protected information as defined in subsection 2 above and shall to
22 the extent authorized by law take whatever action is necessary to
23 assure anonymity of the crime stoppers informant and to protect
24 said protected information.

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