

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
195-32 (COR), P.L. 32-090	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.	09/25/13 2:21 p.m.	09/26/13	Committee on the Guam U. S. Military Relocation, Homeland Security, Veterans's Affairs, and Judiciary	10/10/2013 5 p.m.	10/28/2013 10:42 a.m.	Fiscal Note Requested 10/01/13 Fiscal Note Received 11/22/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADD A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT."	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-090	Passed

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-13-1023
Office of the speaker
Judith T. Won Pat, Ed. D.
Date 11-29-13
Time 10:00 am
Received by [Signature]

2013 NOV 29 AM 11:11

Dear Madame Speaker:

Transmitted herewith is Bill No. 195-32 (COR) "AN ACT TO ADD A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT" which I signed into law on November 27, 2013 as Public Law 32-090.

Senseramente,


EDDIE BAZA CALVO

1023



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

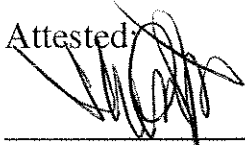
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 195-32 (COR)**, "AN ACT TO ADD A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT", was on the 12th day of November 2013, duly and regularly passed.



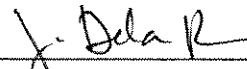
Judith T. Won Pat, Ed.D.
Speaker

Attested



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov.,
2013, at W. 28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. 32-090

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 195-32 (COR)

Introduced by:

FRANK B. AGUON, JR.
T. C. Ada
V. Anthony Ada
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW CHAPTER 91 TO TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
PROTECTING INFANTS WHO ARE BORN ALIVE AS A
RESULT OF AN ABORTION, THROUGH THE
ESTABLISHMENT OF THE “INFANT CHILD’S RIGHT
TO LIFE ACT.”**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that a proposal was previously introduced in a prior legislature that would protect
4 the life of a child who is brought into this world through the abortion process, and
5 who upon extraction from the mother’s womb is found to still be alive. *I*
6 *Liheslaturan Guåhan* recognizes that a child in this situation who is found to be

1 alive must be preserved and every effort be made to protect the child's life.
2 Therefore, it is the intent of *I Liheslaturan Guåhan* to enact legislation that would
3 require that in such cases whereupon an infant that, through an abortion process, is
4 found to still be alive, that life must be recognized as a human being and thus must
5 be extended the right to life.

6 **Section 2. Establishment of the "Infant Child's Right to Life Act."** A
7 new Chapter 91 is hereby *added* to Title 9 of the Guam Code Annotated to read as
8 follows:

9 **"CHAPTER 91**

10 **INFANT CHILD'S RIGHT TO LIFE ACT**

11 **§ 91.01. Title.**

12 This Act may be known and cited as the "Infant Child's Right to Life
13 Act."

14 **§ 91.02. Legislative Findings and Purpose.**

15 (a) *I Liheslaturan Guåhan* finds that:

16 (1) All children, no matter their age, have the right to
17 life. Guam has a paramount interest in protecting all human life.

18 (2) *If* an abortion results in the live birth of an infant,
19 the infant is a legal person for all purposes under the laws of
20 Guam.

21 (3) Guam must assert its interest in protecting an
22 infant whose live birth occurred as the result of an abortion.

23 (4) Without proper legal protection, newly-born
24 infants who survive abortions could be denied proper life-
25 saving or life-sustaining medical treatment and left to die.

26 (b) Accordingly, it is the purpose of this Act to ensure the
27 protection and promotion of the health and wellbeing of all infants

born alive in Guam. Therefore, this Act mandates that healthcare providers give medically appropriate and reasonable life-saving and life-sustaining medical care and treatment to all born alive infants.

§ 91.03. Definitions.

For the purposes of this Act only:

(a) *Abortion* means the termination of a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.

(b) *Born alive or live birth* means the complete expulsion or extraction of an infant from his or her mother, regardless of the state of gestational development, that, after expulsion or extraction, whether or not the umbilical cord has been cut or the placenta is attached, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion, shows any evidence of life, including, but *not* limited to, one or more of the following:

- (1) breathing;
- (2) a heartbeat;
- (3) umbilical cord pulsation; or
- (4) definite movement of voluntary muscles.

(c) *Consent* means knowledge of and explicit or implicit agreement to or instruction to perform a violation of this Act.

(d) *Facility or medical facility* means any public or private hospital, clinic, center, medical school, medical training institution, healthcare facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

(e) *Infant*, for the purposes of this Act, and as used in this Act, means a child of the species *homo sapiens* that has been completely expelled or extracted from its mother, regardless of the stage of gestational development, until the age of thirty (30) days post birth. An *infant* is also a human being for purposes of Chapter 16 of Title 9, Guam Code Annotated.

(f) *Premature or preterm* means occurring prior to the thirty-seventh (37th) week of gestation.

§ 91.04. Requirements and Responsibilities.

(a) A person *shall not* deny or deprive an infant of nourishment with the intent to cause or allow the death of the infant for any reason.

(b) A person *shall not* deprive an infant of medically appropriate and reasonable medical care and treatment or surgical care.

(c) The requirements of this Section *shall not* be construed to prevent an infant's parent(s) or guardian(s) from refusing to give consent to medical treatment or surgical care which is *not* medically necessary or reasonable, including care or treatment which either:

(1) is *not* necessary to save the life of the infant;

(2) has a potential risk to the infant's life or health that outweighs the potential benefit to the infant of the treatment or care; or

(3) is treatment that will do *no more* than prolong the act of dying when death is imminent.

(d) The physician performing an abortion must take all medically appropriate and reasonable steps to preserve the life and

health of an infant. *If* an abortion performed in a hospital results in a live birth, the physician attending the abortion *shall* provide immediate medical care to the infant, inform the mother of the live birth, and request the transfer of the infant to a resident, on-duty or emergency care physician, who *shall* provide medically-appropriate and reasonable medical care and treatment to the infant. *If* an abortion performed in a facility other than a hospital results in a live birth, a physician attending the abortion *shall* provide immediate medical care and treatment to the infant and call 9-1-1 for an emergency transfer of the infant to a hospital that *shall* provide medically-appropriate and reasonable care and treatment to the infant.

(e) *If* the physician described in Subsection (d) of this Section is unable to perform the duties in that Subsection because he is assisting the woman on whom the abortion was performed, then an attending physician's assistant, nurse, or other licensed healthcare provider must assume the duties outlined in that Subsection.

(f) Any infant, including one born in the course of an abortion procedure, *shall* be treated as a legal person under the laws of Guam, with the same rights to medically-appropriate care and treatment, and birth and death (if death occurs) certificates *shall* be issued accordingly.

(g) *If*, before the abortion, the mother and the father have stated in writing that they *do not* wish to keep the infant in the event that the abortion results in a live birth, and this writing is *not* retracted before the abortion, the infant, if born alive, *shall* immediately upon birth become a ward of Guam.

(h) No person *may* use any infant for any type of scientific research or other kind of experimentation *except* as necessary to protect or preserve the life and health of the premature born alive infant.

§ 91.05. Criminal Penalties.

(a) Any physician, nurse, or other licensed healthcare provider who intentionally with premeditation, or intentionally, or knowingly, or recklessly, or by criminal negligence fails to provide reasonable and medically-appropriate and reasonable care and treatment to an infant in the course of an abortion *shall* be guilty of a criminal homicide, as defined in Chapter 16 of Title 9, Guam Code Annotated, and may be punished in accordance with that Chapter. The mother will *not* be liable, criminally or civilly, for actions of a physician, nurse, or other licensed healthcare provider, in violation of this Act to which she did *not* give her consent.

(b) Any violation of §91.04(h) of this Act concerning the research use of a born-alive infant is a felony of the first degree, and upon conviction *may* be punished in accordance with Article 2, Chapter 80 of Title 9, Guam Code Annotated.

§ 91.06. Civil and Administrative Action.

In addition to whatever remedies are available under the common or statutory laws of Guam, failure to comply with the requirements of this Act *shall*:

(a) provide a basis for a civil action for compensatory and punitive damages. Any conviction under this Act *shall* be admissible in a civil suit as *prima facie* evidence of a failure to provide medically appropriate and reasonable care and treatment to a born-alive infant.

Any civil action *may* be based on a claim that the death of or injury to the born-alive infant was a result of simple negligence, gross negligence, wantonness, willfulness, intentional conduct, or another violation of the legal standard of care;

(b) provide a basis for professional disciplinary action for the suspension or revocation of any license of physicians, licensed and registered nurses, or other licensed or regulated persons. Any conviction of any person for any failure to comply with the requirements of this Act *shall* result in the automatic suspension of his or her license for a period of *at least* one year, and *shall* be reinstated after that time *only* under such conditions as *shall* be required to ensure compliance with this Act; and

(c) provide a basis for recovery for the parent(s) of the infant, or the parent(s) or guardian(s) of the mother *if* the mother is a minor, for the wrongful death of the infant whether or not the infant was viable at the time abortion was performed.”

Section 3. Construction.

(a) Nothing in this Act *shall* be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species *homo sapiens* at any point prior to being born alive, as defined in this Act.

(b) Nothing in this Act *shall* be construed to affect existing federal or Guam laws regarding abortion.

(c) Nothing in this Act *shall* be construed as creating or recognizing a right to abortion.

(d) Nothing in this Act *shall* be construed to alter generally accepted medical standards.

1 **Section 4. Severability.** Any provision of this Act held to be invalid
2 or unenforceable by its terms, or as applied to any person or circumstance, *shall* be
3 construed so as to give it the maximum effect permitted by law, unless such
4 holding *shall* be one of utter invalidity or unenforceability, in which event such
5 provision *shall* be deemed severable here from and *shall not* affect the remainder
6 hereof or the application of such provision to other persons not similarly situated or
7 to other, dissimilar circumstances.

8 **Section 5. Effective Date.** The provisions contained herein *shall* be
9 effective upon enactment of this Act.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 22, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

From: Senator Rory J. Respicio

Subject: Fiscal Notes & Waivers

Hafa Adai!

Transmitted herewith are fiscal notes received from BBMR on the following Bill Nos. 91-32(COR), 98-32(LS), 116-32(COR), 153-32(COR), 176-32(COR), 181-32(COR), 194-32(COR), 195-32(COR), 202-32(COR), 209-32(COR), 211-32(COR) and Fiscal Note Waivers on the following Bill Nos. 94-32(COR), 165-32(COR), 170-32(COR), 189-32(COR), 193-32(COR), 210-32(COR).

Please include fiscal notes and waivers with their respective Committee Reports.

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Si Yu'os Ma'ase'!

2013 NOV 22 PM 4:46

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR**JOHN A. RIOS**
DIRECTOR**RAY TENORIO**
LIEUTENANT GOVERNOR**OCT 30 2013**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 98-32(LS), 153-32(COR), 195-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 165-32(COR), 189-32(COR), and 193-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 195-32(COR)

AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Memorial Hospital Authority	Dept./Agency Head: Joe Verga
Department's General Fund (GF) appropriation(s) to date:	2,894,340
Department's Other Fund (Specify) appropriation(s) to date: Pharmaceutical Fund and Healthy Futures Fund	14,290,533
Total Department/Agency Appropriation(s) to date:	\$17,184,873

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ _____ / / N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / / No
 Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes / / No
 / / Requested agency comments not received by due date / / Other:

Analyst: Orilda J. Guerrero Date: 10/27/13 Director: John A. Rios Date: OCT 30 2013

Footnotes:

1/ See attached comments.

Comments on Bill No. 195-32(COR)

The proposed legislation is a measure mandating healthcare providers to give medically appropriate and reasonable life-saving and life-sustaining medical care and treatment to all born-alive infants, including an infant whose live birth occurred as the result of an abortion. Per the *I Liheslatura Guåhan*'s findings, this Bill recognizes a proposal introduced in a previous legislature that aimed to protect the life of a child who is brought into the world through the abortion process and upon extraction from the mother's womb is found to still be alive. Per the Bill, if an abortion results in the live birth of an infant, the infant is a legal person for all purposes under the laws of the territory and that Guam must affirm its interest in protecting an infant whose live birth occurred as the result of an abortion. According to the Bill's proposed mandates, any physician, nurse or other licensed healthcare provider who intentionally with premeditation, or intentionally, or knowingly, or recklessly, or by criminal negligence fails to provide reasonable and medically appropriate and reasonable care and treatment to an infant in the course of an abortion shall be guilty of a criminal homicide as defined in the current law.

The proposed legislation will have a potential fiscal impact, although unknown at this time, in that there are criminal and civil penalties directed against the physician, nurse or other licensed healthcare provider who is found guilty of a criminal homicide and if convicted, the costs of imprisonment; or civil action for compensatory and punitive damages; and disciplinary action for suspension or revocation of any license of the physician, nurse or other licensed healthcare provider for a period of at least one year.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahren Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY J. Dela Rosa
TIME 11:28 AM DATE 11/13/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

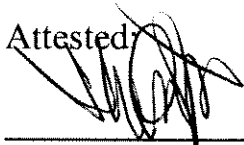
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 195-32 (COR)**, "AN ACT TO ADD A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT", was on the 12th day of November 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov.,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 195-32 (COR)

Introduced by:

FRANK B. AGUON, JR.
T. C. Ada
V. Anthony Ada
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreddie
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**AN ACT TO *ADD* A NEW CHAPTER 91 TO TITLE 9,
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27 protection and promotion of the health and wellbeing of all infants

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12 whether or not the umbilical cord has been cut or the placenta is
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- 17 (1) breathing;
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22 agreement to or instruction to perform a violation of this Act.

23 (d) *Facility or medical facility* means any public or private
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26 ambulatory surgical treatment center, or other institution or location
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3 completely expelled or extracted from its mother, regardless of the
4 stage of gestational development, until the age of thirty (30) days post
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13 (b) A person *shall not* deprive an infant of medically
14 appropriate and reasonable medical care and treatment or surgical
15 care.

16 (c) The requirements of this Section *shall not* be construed to
17 prevent an infant's parent(s) or guardian(s) from refusing to give
18 consent to medical treatment or surgical care which is *not* medically
19 necessary or reasonable, including care or treatment which either:

20 (1) is *not* necessary to save the life of the infant;

21 (2) has a potential risk to the infant's life or health that
22 outweighs the potential benefit to the infant of the treatment or
23 care; or

24 (3) is treatment that will do *no more* than prolong the
25 act of dying when death is imminent.

26 (d) The physician performing an abortion must take all
27 medically appropriate and reasonable steps to preserve the life and

1 health of an infant. *If* an abortion performed in a hospital results in a
2 live birth, the physician attending the abortion *shall* provide
3 immediate medical care to the infant, inform the mother of the live
4 birth, and request the transfer of the infant to a resident, on-duty or
5 emergency care physician, who *shall* provide medically-appropriate
6 and reasonable medical care and treatment to the infant. *If* an abortion
7 performed in a facility other than a hospital results in a live birth, a
8 physician attending the abortion *shall* provide immediate medical care
9 and treatment to the infant and call 9-1-1 for an emergency transfer of
10 the infant to a hospital that *shall* provide medically-appropriate and
11 reasonable care and treatment to the infant.

12 (e) *If* the physician described in Subsection (d) of this
13 Section is unable to perform the duties in that Subsection because he
14 is assisting the woman on whom the abortion was performed, then an
15 attending physician's assistant, nurse, or other licensed healthcare
16 provider must assume the duties outlined in that Subsection.

17 (f) Any infant, including one born in the course of an
18 abortion procedure, *shall* be treated as a legal person under the laws of
19 Guam, with the same rights to medically-appropriate care and
20 treatment, and birth and death (if death occurs) certificates *shall* be
21 issued accordingly.

22 (g) *If*, before the abortion, the mother and the father have
23 stated in writing that they *do not* wish to keep the infant in the event
24 that the abortion results in a live birth, and this writing is *not* retracted
25 before the abortion, the infant, if born alive, *shall* immediately upon
26 birth become a ward of Guam.

1 (h) No person *may* use any infant for any type of scientific
2 research or other kind of experimentation *except* as necessary to
3 protect or preserve the life and health of the premature born alive
4 infant.

5 **§ 91.05. Criminal Penalties.**

6 (a) Any physician, nurse, or other licensed healthcare
7 provider who intentionally with premeditation, or intentionally, or
8 knowingly, or recklessly, or by criminal negligence fails to provide
9 reasonable and medically-appropriate and reasonable care and
10 treatment to an infant in the course of an abortion *shall* be guilty of a
11 criminal homicide, as defined in Chapter 16 of Title 9, Guam Code
12 Annotated, and may be punished in accordance with that Chapter. The
13 mother will *not* be liable, criminally or civilly, for actions of a
14 physician, nurse, or other licensed healthcare provider, in violation of
15 this Act to which she did *not* give her consent.

16 (b) Any violation of §91.04(h) of this Act concerning the
17 research use of a born-alive infant is a felony of the first degree, and
18 upon conviction *may* be punished in accordance with Article 2,
19 Chapter 80 of Title 9, Guam Code Annotated.

20 **§ 91.06. Civil and Administrative Action.**

21 In addition to whatever remedies are available under the common or
22 statutory laws of Guam, failure to comply with the requirements of this Act
23 *shall*:

24 (a) provide a basis for a civil action for compensatory and
25 punitive damages. Any conviction under this Act *shall* be admissible
26 in a civil suit as *prima facie* evidence of a failure to provide medically
27 appropriate and reasonable care and treatment to a born-alive infant.

1 Any civil action *may* be based on a claim that the death of or injury to
2 the born-alive infant was a result of simple negligence, gross
3 negligence, wantonness, willfulness, intentional conduct, or another
4 violation of the legal standard of care;

5 (b) provide a basis for professional disciplinary action for the
6 suspension or revocation of any license of physicians, licensed and
7 registered nurses, or other licensed or regulated persons. Any
8 conviction of any person for any failure to comply with the
9 requirements of this Act *shall* result in the automatic suspension of his
10 or her license for a period of *at least* one year, and *shall* be reinstated
11 after that time *only* under such conditions as *shall* be required to
12 ensure compliance with this Act; and

13 (c) provide a basis for recovery for the parent(s) of the
14 infant, or the parent(s) or guardian(s) of the mother *if* the mother is a
15 minor, for the wrongful death of the infant whether or not the infant
16 was viable at the time abortion was performed.”

17 **Section 3. Construction.**

18 (a) Nothing in this Act *shall* be construed to affirm, deny,
19 expand, or contract any legal status or legal right applicable to any
20 member of the species *homo sapiens* at any point prior to being born
21 alive, as defined in this Act.

22 (b) Nothing in this Act *shall* be construed to affect existing
23 federal or Guam laws regarding abortion.

24 (c) Nothing in this Act *shall* be construed as creating or
25 recognizing a right to abortion.

26 (d) Nothing in this Act *shall* be construed to alter generally
27 accepted medical standards.

1 **Section 4. Severability.**

2 Any provision of this Act held to be invalid
3 or unenforceable by its terms, or as applied to any person or circumstance, *shall* be
4 construed so as to give it the maximum effect permitted by law, unless such
5 holding *shall* be one of utter invalidity or unenforceability, in which event such
6 provision *shall* be deemed severable here from and *shall not* affect the remainder
7 hereof or the application of such provision to other persons not similarly situated or
8 to other, dissimilar circumstances.

8 **Section 5. Effective Date.**

9 The provisions contained herein *shall* be
 effective upon enactment of this Act.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
November 12, 2013

Bill No. 195-32 (COR)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ		✓			
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN		✓			
Senator Rory J. RESPICIO		✓			
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.		✓			
Senator Aline A. YAMASHITA, Ph.D.		✓			

TOTAL

10
Yea

5
Nay

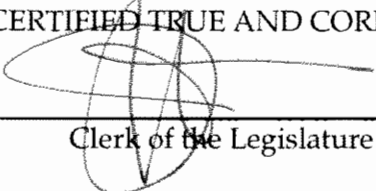
Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

I = Pass


Clerk of the Legislature



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I Mina'trentai Dos Na Liheslaturan Guåhan | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

October 22, 2013

The Honorable Benjamin J.F. Cruz
Acting Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 195-32 (COR)

Dear Speaker Cruz:

Transmitted herewith is the Committee Report on Substitute Bill No. 195-32 (COR).

Committee votes are as follows:

<u>2</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

2013 OCT 28 AM 10:42 AM



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

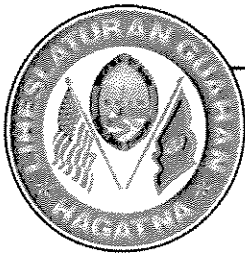
**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

COMMITTEE REPORT

ON

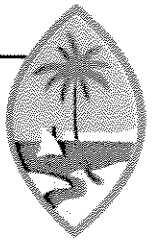
BILL NO. 195-32 (COR) - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



October 22, 2013

MEMORANDUM

To: ALL MEMBERS
Committee on Guam U.S. Military Relocation, Homeland Security,
Veterans Affairs, and Judiciary

From: Senator Frank B. Aguon, Jr.
Committee Chairperson

Subject: Committee Report on Bill No. 195-32 (COR)

Transmitted herewith for your consideration is the Committee Report on Bill No. 195-32 (COR) - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 195-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Referral of the Bill No. 195-32 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of Public Hearing Agenda
- Related News Report

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'áse' !

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtlaco**
Committee Member

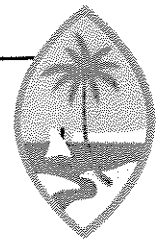
**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



COMMITTEE VOTING SHEET

Bill No. 195-32 (COR) – An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B. JR. Committee Chairperson 21 OCT 2013		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MUNA BARNES, TINA ROSE Committee Vice Chairperson		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10/22/13	<input type="checkbox"/>	<input type="checkbox"/>
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member	O.I.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RESPICIO, RORY J. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10/22/13	<input type="checkbox"/>	<input type="checkbox"/>
ADA, THOMAS C. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10/22/13	<input type="checkbox"/>	<input type="checkbox"/>
RODRIGUEZ, DENNIS G. JR. Committee Member		<input checked="" type="checkbox"/> 10/22/13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, V. ANTHONY Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10/22	<input type="checkbox"/>	<input type="checkbox"/>
LIMTIACO, MICHAEL Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10/22	<input type="checkbox"/>	<input type="checkbox"/>
MORRISON, THOMAS Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10/22	<input type="checkbox"/>	<input type="checkbox"/>

O.I. : off-island.

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**COMMITTEE REPORT DIGEST****Senator****FRANK B. AGUON, JR.**

Committee Chairperson

Senator**Tina Muna-Barnes**

Committee Vice Chairperson

Speaker**Edith T. Won Pat, Ed.D.**

Committee Member

Senator**Rory J. Respicio**

Committee Member

Senator**Thomas C. Ada**

Committee Member

Senator**Dennis G. Rodriguez, Jr.**

Committee Member

Senator**V. Anthony Ada**

Committee Member

Senator**Michael Limtiaco**

Committee Member

Senator**Thomas Morrison**

Committee Member

I. OVERVIEW

Bill No. 195-32 (COR) was introduced on September 25, 2013, by Senator Frank B. Aguon, Jr., and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on September 25, 2013.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a public hearing on Bill No. 195-32 (COR) on October 10, 2013 at 5:00PM in I Liheslaturan's Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the October 10, 2013 hearing on October 2, 2013 (5-Day Notice), and again on October 7, 2013 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the October 10, 2013 hearing on October 2, 2013 and October 7, 2013. Notices were also published in the Pacific Daily News Newspaper for October 10, 2013 hearing on October 7, 2013.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson

Senator V. Anthony Ada

Senator Christopher M. Duenas

Senator Brant McCreddie

Senator Tommy Morrison

Appearing Before the Committee

Former Senator Lou Leon Guerrero, CEO Bank of Guam

Former Senator Carlotta Leon Guerrero, Executive Director of Ayuda Foundation

Attorney Anita Arriola, Law Office of Arriola Cowan & Arriola

Ellen P. Bez, MD, Marianas Physicians Group

Sirena Mafnas, Talofoto

The public hearing was Called-to-Order at 5:07 PM.

II. TRANSCRIPTION OF TESTIMONY & DISCUSSION***Senator Frank B. Aguon, Jr.***

"Bill 195-32 (COR) is by the Committee on the Guam U.S. Military Relocation, Veterans' Affairs, Homeland Security, and Judiciary is hereby called to order. I would like to invite the following individuals please to join us up front: Anita Arriola, Former Senator Carlotta Leon Guerrero, and Sirena Mafnas. You notice we made the table a little more accommodating



COMMITTEE ON

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So we can invite also Sirena Mafnas, Franklin Leon Guerrero, Louella I take it you're not gonna testify tonight?

Ladies and Gentlemen just for the information of the public, Bill 195-32 (COR) is "An Act Relative to Protecting Infants who are Born Alive as a result of an Abortion through the Establishment of the Infant Child's Right to Life Act" and this would change provisions within the Guam Code Annotated and in sequence of the individuals that I have invited up to join us please ladies and gentlemen if there is anyone else in the public who would like to provide testimony, by all means join us.

I would like to acknowledge the presence of a number of Senators flanking to my left and to my right. To my immediate right is Senator Tommy Morrison, thank you Senator for joining us. To my immediate left is Senator Chris Duenas, Senator Tony Ada, and Senator Brant McCreadie, thank you very much Senators for joining us this evening. Senator [Lou Leon Guerrero] because you're not only the President of Bank of Guam, the President of the Women's Chamber of Commerce, and also a former Senator in this body I would like to invite you to open up the testimonies this evening please."

Former Senator Lou Leon Guerrero

Written testimony provided

Former Senator Carlotta Leon Guerrero

"Thank you very much Mr. Chairman I would like to ask that Dr. Ellen Bez speak. My information is way more anecdotal and I think that in keeping it would be best to hear from a Medical Professional in case some of you might have to leave."

Senator Frank B. Aguon, Jr.

"Did you want us to come back to you?"

Former Senator Carlotta Leon Guerrero

"Yes please. If you don't mind, thank you."

Attorney Anita Arriola

Written testimony provided.

Senator Frank B. Aguon, Jr.

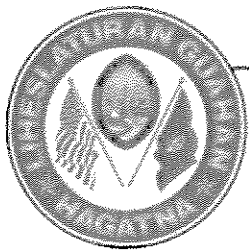
"Thank you very much Attorney Arriola, Dr. Bez"

Dr. Ellen Bez

"Good evening or good afternoon, I'm here. I have two testimonies. I'm speaking on behalf right now of Dr. Annie Bordallo who is an OBGYN, I have here her written testimony and she's sorry she can't be here this evening and I have some comments of my own afterwards. [Reads written testimony provided by Dr. Annie Bordallo]"

Dr. Ellen Bez

"Basically when we read this we had some of the same concerns the Hospital, Department of Pediatrics, Department of OBGYN, the Medical Executive Staff reviewed what would be appropriate to as hear to the Federal Mandate of declaring that when an infant is born it is a live birth. So you have skilled, trained Doctors who have spent twelve years of their life studying medicine and they come up with a policy that everybody approved in those departments. How to handle the care of a live born infant where there are different circumstances around whether it is a very young gestation age or an in determinant gestational age



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and they've agreed on a policy. A policy that everybody's approved and now you have a Bill that takes that away and makes you the people that make that decision. It doesn't make sense to us when the policy is already established, approved, and taken care of within the Hospital, where it should be taken care of, and to call us as you've heard my friend say here. When we have limited resources your gonna ask an EMT and an Ambulance to come out when we don't have enough Ambulances to take care of the people who potentially could be saved by immediate intervention and come out and use those resources. I mean I just don't understand in this time of limited resources of serious health care issues that we face every day that for such a narrow issue that this is what your spending your time doing. I mean again, it just doesn't seem to represent the greater needs of our community today and for that.

We object to this Bill and also that these are issues that Doctors in a Hospital and Boards and committees need to make those decisions it shouldn't be regulated by laws and it's already been done and it already hears to the Federal Standard's and Federal Mandates.

Another two points, in this Bill in terms of criminal penalties under civil and administrative action and it says in addition to whatever remedies are available under the common or stationary law of this territory failure to comply with this requirement of the Act shall provide a basis for recovery for the parents of an infant or parent/guardian of the mother, if the mother is a minor for the wrongful death of an infant whether or not the infant is viable. So you have a child, an infant in are Medical opinion has no chance of survival yet the physician can still be held responsible I mean what is that, it just doesn't make any sense. So when an infant is born that in any Medical opinion has no possible chance for survival the Doctor can still be held liable for that death as a wrongful death it doesn't make sense it just really doesn't.

And the last thing is that I'd like to say is one of the closing paragraphs in this Bill is that nothing in this act shall be construed to alter generally accepted medical standards and I'll tell you almost everything in this, almost everything in this is against accepted Medical Standards in terms of doing heroic measures for a child that's born in all Medical opinion has no chance for survival. The use of resources of limited valuable resources and the money it takes to keep an infant alive for a few days. When it can save a hundred kids in school and give the schools lunches or whatever medical care these children need and I see them at my rape crisis center that don't get the Medical Care that they need and have nobody to take care of them and this is what we are using our time and our resources for. Again, I object to this Bill and those grounds thank you very much."

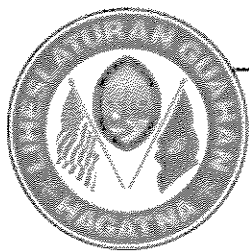
Senator Frank B. Aguon, Jr.

"Thank you very much Dr. Bez for your testimony this evening, Senator Carlotta Leon Guerrero."

Senator Carlotta Leon Guerrero

"Thank you very much Senator and good evening to all of the Senators that here this evening. I come here as the Executive Director of Ayuda Foundation. We are a nonprofit organization where in our eighteenth year here, and one of our divisions is Island Girl Power. Island Girl Power is now in its twelve year. Island Girl Power is a program to build the self-esteem in girls seven to fourteen years of age and to help them avoid risky behaviors that surround them, to get them through, so that they graduate from school and go on to live a healthy life style. So right now in order to accomplish this I am in club houses in the old staff housing next to Maria Ulloa right along Y Sengsong road.

So we are in the hood, this is the most populated part of the island, it's the most densely populated part of Guam and right there in that area to give you an idea of what is there. Is on the corner is a facility for battered women and children and also adjacent to us is a homeless shelter and right around the corner from us is a DYA Lagu Center and a piece of land adjacent to



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us is being or possibly where there gonna build a foster care facility and there's some homes within our midst that have been renovated and possibly gonna go to families to take over foster care and in that midst you have Island Girl Power and the facilities that we are building, that we are renovating right now is to work with other non profits and Government Agencies to provide services to this group of people adjacent to us financial literacy to the battered women and the women in the homeless shelters and anger management.

This is the frontline I'm on, I am a Field General. I am out there and I see what is happening, what the pressures are and I want to let you know what's available to you, cause in order to, now I write grants and put this together I have to call up and look for information. I have file 2012 teen stats poverty and that is the latest information and you can go by ethnically and find out the percentage of dropout rates, and what is the dropout rate. Southern High 12.1% that's unbelievable it leads, GW 6.1% and here another statistic Infant Mortality per thousand. This is just the numbers on Guam. So the Infant Mortality rate in region one in 2009 was 17, in region two also 17, region three, the south 2. These numbers are from 2009 and I just saw in recent numbers I don't have them with me for 2012. But, the Infant Mortality rate is twice that of the United States that is shaking babies syndrome, these are kids in poor houses where there's violence, these are kids in poor houses where there's violence, these are kids where maybe the elderly grandmother with Alzheimer's watching five kids and a baby falls off a bed, these are young mothers leaving their kids and going out. So when we have limited resources as my colleagues have been talking about of where to direct it I chose to join, to come here and take this spotlight that is shining down right now on this issue and talk about issues like twice the nations average on Infant Mortality.

These are solid numbers and when you go through budgets, and when you introduce legislation what can you do to tackle this. I think it might have to be more subsidies to Child Care Centers, more Community Center work, more Social workers, quicker justice, more people at the courts here's another one risk indicator, poverty total GHURA housing units, all of these statistics by that, paint the story, total in percent of High School dropouts by village gives you the exact numbers these are the kind of statistics that are available. Premature birth, low birth weight are all available to you I got throw all from Public Health and just recently I went through a community health assessment. It was all day thing called by Public Health. So many agencies were there and they taken all the statistics and they had these types of reports and they melted it down and gave this solid information that was available to me and it would be available to you and that's where I learned. I just saw this statistic here on Infant Mortality and I was staggered but I didn't know till they compared it to the United States. That you get a perspective so then you know that, that statistic twice the nation's average. We lead the country in teen pregnancies 15 to 19 and we also lead the country in percentage of youth's that aren't using condoms. So I can connect these dots all the way through of condom use, teen pregnancy, high Infant Mortality and so my frontline and my battles are in the Middle Schools on teen abstinence programs, self-esteem programs, after school program, sports programs, prevention programs, and that where I would urge you to put your attention, your focus, and the budget per strings towards that and not what's before you today, thank you very much."

Senator Frank B. Aguon, Jr.

"Thank you very much Senator Carlotta Leon Guerrero, Ms. Sirena."

Sirena Mafnas

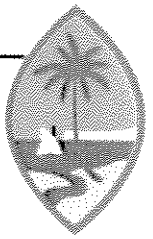
"Hello Senators. I am 20 years old from the village of Talofoto and I support Bill 195-32 entitled The Childs Right to Life Act that's all I have to say."



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



Senator Frank B. Aguon, Jr.

"Thank you very much Ms. Mafnas, thank you for taking the time out to provide your testimony.

Do my colleagues have any questions you would like to pose to the individuals who are in the panel right now? If not thank you very much ladies, appreciate your comments, thank you.

Just for the information of the community, we the committee has received a number of written testimonies in regards to this particular measure. So we will continue to receive testimony subsequent to today for the next ten (10) days, if there is anyone else in the audience who would like to provide testimony, oral testimony, I ask you to please bring it to our attention. Otherwise this Public Hearing on Bill 195-32 (COR) relative to the Infant Childs Right to Life Act will conclude.

Any other comments and once again just on behalf of the committee I'd like to thank all those who provided testimony, written testimony or presented a testimony this evening and encourage the public to continue to provide testimony. The committee will be accepting testimony over the duration of the next ten days and they will close the committee report and present it to the body. Based on that, this Public Hearing is hereby concluded, thank you. "

The public hearing was adjourned at 5:39 PM.

III. The following individuals submitted written testimonies to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary before or after the scheduled Public Hearing on 10 October 2013 at 5:00PM:

1. Tim Rohr (4)
2. Marjorie DeBenedictis, MD
3. Genevieve Leon Guerrero – Garrett
4. Mary Lou Garcia-Pereda
5. Christy Alcantara
6. Sharon O'Mallan
7. DonaMila Taitano

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 195-32 (COR) by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation TO REPORT OUT

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (First) Regular Session

Bill No. HS-32 (COR)

Introduced by:

FRANK B. AGUON, JR. 

**AN ACT RELATIVE TO PROTECTING INFANTS WHO
ARE BORN ALIVE AS A RESULT OF AN ABORTION,
THROUGH THE ESTABLISHMENT OF THE “INFANT
CHILD’S RIGHT TO LIFE ACT”; THROUGH ADDING A
NEW CHAPTER 91 TO TITLE 9, GUAM CODE
ANNOTATED.**

2013 SEP 25 PM 2:21



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahån* finds that a proposal was previously introduced in a prior legislature that would protect the life of a child who is brought into this world through the abortion process, and who upon extraction from the mother’s womb is found to still be alive. *I Liheslaturan Guahån* recognizes that a child in this situation who is found to be alive must be preserved and every effort be made to protect the child’s life. Therefore, it is the intent of *I Liheslaturan Guahån* to enact legislation that would require that in such cases whereupon an infant that, through an abortion process, is found to still be alive, that life must be recognized as a human being and thus must be extended the right to life.

Section 2. Establishment of the “Infant Child’s Right to Life Act”. There is hereby created a new Chapter 91 to Title 9 of the Guam Code Annotated to read as follows:

1 "CHAPTER 91

2 INFANT CHILD'S RIGHT TO LIFE ACT

3 §91.01. Title.

4 This Act may be known and cited as the "Infant Child's Right to Life Act."

5 §91.02. Legislative Findings and Purpose.

6 (a) *I Liheslaturan Guahån* finds that:

7 (1) All children, no matter their age, have the right to life. Guam
8 has a paramount interest in protecting all human life.

9 (2) If an abortion results in the live birth of an infant, the infant is a
10 legal person for all purposes under the laws of this Territory.

11 (3) Guam must assert its interest in protecting an infant whose live
12 birth occurred as the result of an abortion.

13 (4) Without proper legal protection, newly-born infants who
14 survive abortions could be denied proper life-saving or life-
15 sustaining medical treatment and left to die.

16 (b) Accordingly, it is the purpose of this Act to ensure the protection and
17 promotion of the health and well-being of all infants born alive in this
18 Territory. Therefore, this Act mandates that healthcare providers give
19 medically appropriate and reasonable life-saving and life-sustaining medical
20 care and treatment to all born-alive infants.

21 § 91.03. Definitions.

22 For the purposes of this Act only:

23 (a) "**Abortion**" means the termination of a human pregnancy with
24 an intention other than to produce a live birth or to remove a dead
25 fetus.

26 (b) "**Born alive**" or "**live birth**" means the complete expulsion or
27 extraction of an infant from his or her mother, regardless of the state

1 of gestational development, that, after expulsion or extraction,
2 whether or not the umbilical cord has been cut or the placenta is
3 attached, and regardless of whether the expulsion or extraction occurs
4 as a result of natural or induced labor, cesarean section, or induced
5 abortion, shows any evidence of life, including, but not limited to, one
6 or more of the following:

7 (1) breathing;

8 (2) a heartbeat;

9 (3) umbilical cord pulsation; or

10 (4) definite movement of voluntary muscles.

11 (c) **"Consent"** means knowledge of and explicit or implicit
12 agreement to or instruction to perform a violation of this Act.

13 (d) **"Facility"** or **"medical facility"** means any public or private
14 hospital, clinic, center, medical school, medical training institution,
15 healthcare facility, physician's office, infirmary, dispensary,
16 ambulatory surgical treatment center, or other institution or location
17 wherein medical care is provided to any person.

18 (e) **"Infant,"** for the purposes of this Act, and as used in this Act,
19 means a child of the species *homo sapiens* that has been completely
20 expelled or extracted from its mother, regardless of the stage of
21 gestational development, until the age of thirty (30) days post birth.
22 An "infant" is also a human being for purposes of Chapter 16 of Title
23 9, Guam Code Annotated.

24 (f) **"Premature"** or **"preterm"** means occurring prior to the
25 thirty-seventh (37th) week of gestation.

26 § 91.04. Requirements and Responsibilities.

1 (a) A person shall not deny or deprive an infant of nourishment with the
2 intent to cause or allow the death of the infant for any reason.

3 (b) A person shall not deprive an infant of medically appropriate and
4 reasonable medical care and treatment or surgical care.

5 (c) The requirements of this Section shall not be construed to prevent an
6 infant's parent(s) or guardian(s) from refusing to give consent to medical
7 treatment or surgical care which is not medically necessary or reasonable,
8 including care or treatment which either:

9 (1) is not necessary to save the life of the infant;

10 (2) has a potential risk to the infant's life or health that outweighs
11 the potential benefit to the infant of the treatment or care; or

12 (3) is treatment that will do no more than prolong the act of dying
13 when death is imminent.

14 (d) The physician performing an abortion must take all medically
15 appropriate and reasonable steps to preserve the life and health of an infant.
16 If an abortion performed in a hospital results in a live birth, the physician
17 attending the abortion shall provide immediate medical care to the infant,
18 inform the mother of the live birth, and request transfer of the infant to a
19 resident or on-duty or emergency care physician who shall provide
20 medically-appropriate and reasonable medical care and treatment to the
21 infant. If an abortion performed in a facility other than a hospital results in a
22 live birth, a physician attending the abortion shall provide immediate
23 medical care and treatment to the infant and call 9-1-1 for an emergency
24 transfer of the infant to a hospital that shall provide medically-appropriate
25 and reasonable care and treatment to the infant.

26 (e) If the physician described in paragraph (d) of this Section is unable to
27 perform the duties in that paragraph because he is assisting the woman on

1 whom the abortion was performed, then an attending physician's assistant,
2 nurse, or other licensed healthcare provider must assume the duties outlined
3 in that paragraph.

4 (f) Any infant including one born in the course of an abortion procedure
5 shall be treated as a legal person under the laws of this Territory, with the
6 same rights to medically-appropriate care and treatment, and birth and death
7 (if death occurs) certificates shall be issued accordingly.

8 (g) If, before the abortion, the mother and the father have stated in writing
9 that they do not wish to keep the infant in the event that the abortion results
10 in a live birth, and this writing is not retracted before the abortion, the infant,
11 if born alive, shall immediately upon birth become a ward of the Territory.

12 (h) No person may use any infant for any type of scientific research or
13 other kind of experimentation except as necessary to protect or preserve the
14 life and health of the premature born alive infant.

15 **§ 91.05. Criminal Penalties.**

16 (a) Any physician, nurse, or other licensed healthcare provider who
17 intentionally with premeditation, or intentionally, or knowingly, or
18 recklessly, or by criminal negligence fails to provide reasonable and
19 medically-appropriate and reasonable care and treatment to an infant in the
20 course of an abortion shall be guilty of a criminal homicide as defined in
21 Chapter 16 of Title 9, Guam Code Annotated and may be punished in
22 accordance with that Chapter. The mother will not be liable, criminally or
23 civilly, for actions of a physician, nurse, or other licensed healthcare
24 provider, in violation of this Act to which she did not give her consent.

25 (b) Any violation of Section 91.04, paragraph (h) of this Act concerning
26 the research use of a born- alive infant is a felony of the first degree and

1 upon conviction may be punished in accordance with Article 2, Chapter 80
2 of Title 9, Guam Code Annotated.

3 **§ 91.06. Civil and Administrative Action.**

4 In addition to whatever remedies are available under the common or
5 statutory law of this Territory, failure to comply with the requirements of
6 this Act shall:

7 (a) Provide a basis for a civil action for compensatory and punitive
8 damages. Any conviction under this Act shall be admissible in a civil
9 suit as *prima facie* evidence of a failure to provide medically
10 appropriate and reasonable care and treatment to a born-alive infant.
11 Any civil action may be based on a claim that the death of or injury to
12 the born-alive infant was a result of simple negligence, gross
13 negligence, wantonness, willfulness, intentional conduct, or another
14 violation of the legal standard of care.

15 (b) Provide a basis for professional disciplinary action for the
16 suspension or revocation of any license for physicians, licensed and
17 registered nurses, or other licensed or regulated persons. Any
18 conviction of any person for any failure to comply with the
19 requirements of this Act shall result in the automatic suspension of his
20 or her license for a period of at least one year and shall be reinstated
21 after that time only under such conditions as shall be required to
22 ensure compliance with this Act.

23 (c) Provide a basis for recovery for the parent(s) of the infant or the
24 parent(s) or guardian(s) of the mother if the mother is a minor, for the
25 wrongful death of the infant whether or not the infant was viable at
26 the time abortion was performed.”

27 **Section 3. Construction.**

1 (a) Nothing in this Act shall be construed to affirm, deny, expand, or
2 contract any legal status or legal right applicable to any member of the
3 species *homo sapiens* at any point prior to being born alive, as defined in this
4 Act.

5 (b) Nothing in this Act shall be construed to affect existing Federal or
6 Territorial law regarding abortion.

7 (c) Nothing in this Act shall be construed as creating or recognizing a
8 right to abortion.

9 (d) Nothing in this Act shall be construed to alter generally accepted medical
10 standards.

11 **Section 4. Severability.** Any provision of this Act held to be invalid or
12 unenforceable by its terms, or as applied to any person or circumstance, shall be
13 construed so as to give it the maximum effect permitted by law, unless such
14 holding shall be one of utter invalidity or unenforceability, in which event such
15 provision shall be deemed severable here from and shall not affect the remainder
16 hereof or the application of such provision to other persons not similarly situated or
17 to other, dissimilar circumstances.

18 **Section 5. Effective Date.** The provisions contained herein shall be effective
19 upon enactment of this Act.



**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND
SECURITY & JUDICIARY**

I Mina Trentai Dos na Liheslaturan Guahan 132nd Guam Legislature

**SENATOR FRANK B. AGUON, JR
CHAIRMAN**

Thursday, October 10, 2013 @ 5:00PM

Bill No. 195-32 (COR) – An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated".

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
Ellen Be2	MFG	6471830	✓	✓		✓
Christy Alcantara	Espesana Project	7882349		✓	✓	



COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND

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NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
Anita Arriola	Arriola Law Firm	492-9930	✓	✓		
Len Leon Guerrero			✓	✓		
Dr. Ellen Bet	Surgery Center		✓	✓		
Arson Leon Guerrero	Island Girl Power		✓	✓		
Sirena Mafnas			✓			



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NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
Franklin Leong		777-4705				
Leona Losina	MVLA Guam	427-4979				



Fw: Re testimony of Drs. Bordallo and Bez on Bill 195

Frank Aguon, Jr.

Aguon4guam <aguon4guam@gmail.com>

Sat, Oct 19, 2013 at 12:39 PM

To: Yvette Cruz <yvettelcruz@gmail.com>, Yvette Cruz <admin@frankaguonjr.com>, "e. winston ilicito" <ewinston@yahoo.com>, Karlo Dizon <committee@frankaguonjr.com>

Please add to report.

Sent from my Samsung Epic™ 4G

----- Original message -----

Subject: Re testimony of Drs. Bordallo and Bez on Bill 195

Date: Sat Oct 19 03:59:10 GMT+10:00 2013

From: Tim Rohr <timrohr.guam@gmail.com>

To: "Sen. Frank Aguon" <aguon4guam@gmail.com>

CC: "Sen. Aline Yamashita" <aline4families@gmail.com>, "Sen. Anthony Ada" <senatoronyada@guamlegislature.org>, "Sen. B.J. Cruz" <senator@senatorbjcruz.com>, "Sen. Brant McCreadie" <brantforguam@gmail.com>, "Sen. Chris Duenas" <duenasenator@gmail.com>, "Sen. Dennis G. Rodriguez Jr." <senatordrodriguez@gmail.com>, "Sen. Michael San Nicolas" <sensorsannicolas@gmail.com>, "Sen. Mike Limtiaco" <mike@mikelimtiaco.com>, "Sen. Rory Respicio" <roryforguam@gmail.com>, "Sen. Tina Muna-Barnes" <senator@tinamunabarnes.com>, "Sen. Tom Ada" <office@senatorada.org>, "Sen. Tommy Morrison" <tommy@senatormorrison.com>, "Sen. Vicente Pangelinan" <senbenp@guam.net>, "Spkr. Judith Won Pat" <speaker@judiwonpat.com>, David Crisostomo <dcrisostomo@guam.gannett.com>, Gerry Partido <gerry@mvguam.com>, Jerick Sablan <jpsablan@guampdn.com>, Jon Anderson <editor@mvguam.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbgguam.com>, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Pacific News Center <news@k57.com>, Sabrina Salas <sabrina@kuam.com>, Umatuna <news@umatuna.org>, William Gibson <breakfastshowk57@gmail.com>

Dear Senator Aguon:

I am attaching a full transcript and video link of the testimony of Drs. Bordallo and Bez on Bill 195.

Bordallo and Bez' main contention is that GMH has already addressed the issue of born alive infants and that your bill interferes with that policy.

According to GMH and as per Guam Medical Records, GMH does not do abortions and your bill specifically addresses ONLY infants who survive the abortion procedure.

Thus their testimony is irrelevant to your bill UNLESS GMH in fact does abortions and is not reporting them.

Also, whether or not GMH policy to deny life saving treatment to children who do not meet the cut-off age and weight of 24 weeks or 500 grams - as per Bordallo's testimony - actually meets federal standards under the federal Born Alive Infant Protection Act, is a matter requiring investigation by the Chair of the Health Committee.

Curiously, this may account for the fact - as testified to by Carlotta Leon Guerrero at the same hearing - for Guam's infant mortality rate being double the national average. (See testimony of Dr. Espinola for Bill 62-32

identifying "prematurity" as the primary cause of infant mortality.)

Tim Rohr
PO Box 9001
Agat, GU 96928
(671) 483-0467

 **Bill 195_Testimony_BezBordallo_Transcript.pdf**
41K

Frank Aguon, Jr. <aguon4guam@gmail.com> Mon, Oct 21, 2013 at 11:10 AM
To: Yvette Cruz <yvettelgcruz@gmail.com>, Karlo Dizon <committee@frankaguonjr.com>, "e.winston ilicito" <ewinstoni@yahoo.com>

FYI...

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)
155 Hesler Street
Hagatna, Guam 96910
email: aguon4guam@gmail.com
Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **Tim Rohr** <timrohr.guam@gmail.com>
Date: Sat, Oct 19, 2013 at 3:59 AM
Subject: Re testimony of Drs. Bordallo and Bez on Bill 195
To: "Sen. Frank Aguon" <aguon4guam@gmail.com>
Cc: "Sen. Aline Yamashita" <aline4families@gmail.com>, "Sen. Anthony Ada" <senatortonyada@guamlegislature.org>, "Sen. B.J. Cruz" <senator@senatorbjcruz.com>, "Sen. Brant McCreadie" <brantforguam@gmail.com>, "Sen. Chris Duenas" <duenasenator@gmail.com>, "Sen. Dennis G. Rodriguez Jr." <senatordrodriguez@gmail.com>, "Sen. Michael San Nicolas" <senatorsannicolas@gmail.com>, "Sen. Mike Limtiaco" <mike@mikelimtiaco.com>, "Sen. Rory Respicio" <roryforguam@gmail.com>, "Sen. Tina Muna-Barnes" <senator@tinamunabarnes.com>, "Sen. Tom Ada" <office@senatorada.org>, "Sen. Tommy Morrison" <tommy@senatormorrison.com>, "Sen. Vicente Pangelinan" <senbenp@guam.net>, "Spkr. Judith Won Pat" <speaker@judiawonpat.com>, David Crisostomo <dcrisostomo@guam.gannett.com>, Gerry Partido <gerry@mvguam.com>, Jerick Sablan <jpsablan@guampdn.com>, Jon Anderson <editor@mvguam.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Pacific News Center <news@k57.com>, Sabrina Salas <sabrina@kuam.com>, Umatuna <news@umatuna.org>, William Gibson <breakfastshowk57@gmail.com>

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Curiously, this may account for the fact - as testified to by Carlotta Leon Guerrero at the same hearing - for Guam's infant mortality rate being double the national average. (See testimony of Dr. Espinola for Bill 62-32 identifying "prematurity" as the primary cause of infant mortality.)

Tim Rohr
PO Box 9001
Agat, GU 96928
(671) 483-0467



Bill 195_Testimony_BezBordallo_Transcript.pdf
41K

BILL 195-32: INFANT CHILD'S RIGHT TO LIFE ACT
Public Hearing, October 10, 2013

Transcript of testimony of Dr. Annie Bordallo read by Dr. Ellen Bez and oral testimony of Dr. Bez

Video recording: <http://youtu.be/FyuYgjPetqg>

Written testimony of Dr. Annie Bordallo, read by Dr. Bez, opposing Bill 195-32

At Guam Memorial Hospital, a review of a federal statute that protects infants that are born alive regardless of gestational age or viability was undertaken. And a policy governing our responsibilities to the newborn, its parents, and the community, was agreed upon by the OB-GYN's and the Pediatrics Department.

The governing body of the medical staff as well as the Board of Trustees reviewed and approved this policy. These physicians reviewed current medical data regarding survival rates and subsequent morbidity and determined that a gestational age of 24 weeks and a weight of 500 grams as the threshold for viability where resuscitation is mandated.

A clinical assessment by the obstetrician for pre-viable infants and in cases of undetermined gestational age, the pediatrician would determine the need for resuscitation. Specific clinical factors would guide the physicians in their assessments.

This bill does not allow for any clinical assessment before activating the EMS system and engaging resources we cannot afford to save infants that have no chance of survival. By not including an assessment of viability, reasonable medical care cannot be defined.

The sole purpose of this bill seems to set up criminal and civil penalties directed against doctors who provide these services to patients in need of them. It goes so far as to include a civil action of wrongful death when an infant, who cannot be saved by any medical intervention, dies.

The ability of our community to respond to the medical needs of everyone is dependent upon judicious use of our scarce resources.

A review of medical standards that are appropriate for the level of care available on Guam should determine what interventions we undertake for all segments of our community.

This legislation has little role in specifying what those interventions should or shouldn't be.

Oral testimony of Dr. Ellen Bez

The hospital, department of pediatrics, department of ob-gyn, the medical executive staff, reviewed what would be appropriate to adhere to the federal mandate of declaring that when an infant is born it is a live birth. That's federal legislation.

So you have skilled, trained doctors who have spent 12 years of their life studying medicine and they come up with a policy that everybody approved in those departments for how to handle the care of a live born infant when there's different circumstances around it, whether it be a very young gestational age, an indeterminate gestational age, and they've agreed on a policy, a policy that everybody's approved. And now you have a bill that takes that away and makes you the people that makes that decision.

It just doesn't make sense. It doesn't make sense to us, when the policy is already established, approved, and taken care of within the hospital where it should be taken care of. And to call, as you've heard my friends say here, that when we have limited resources you're gonna ask an EMT an ambulance to come out when we have not enough ambulances to take care of the people who potentially could be saved by an immediate intervention and come out and use those resources.

I mean, I just don't understand, in this time of limited resources, of serious health care issues, that we face every day, that for such a narrow issue, that this is what you're spending your time doing. I mean, again, it just doesn't seem to represent the greater needs of our community. And for that, we object to this bill.

And also that these are issues that doctors in hospitals, in boards, in committees, need to make those decisions. We shouldn't be regulated by laws. And it's already been done. And it already adheres to federal standards and federal mandates.

And another two points. In this bill in terms of criminal penalties, under civil and administrative action, it says in addition to whatever remedies are available under the common or statutory law of this territory failure to comply with this requirement of the Act shall provide a basis for recovery for the parents of an infant or a parent guardian of the mother if the mother is a minor for the wrongful death of an infant whether or not the infant was viable. So you have a child, an infant, in our medical opinion has no chance of survival, yet the physician can still be held responsible? I mean, what is that? I mean that just doesn't make any sense.

So when an infant is born, that in all medical opinion has no possible chance for survival the doctor can still be held liable for that death as a wrongful death? Again, it doesn't make any sense, it just really doesn't.

And the last thing I'd like to say is one of the closing paragraphs in this bill is that nothing in this act shall be construed to alter generally accepted medical standards. And I'll tell you, almost everything in this, almost everything in this bill goes against accepted

medical standards in terms of doing heroic measures for a child that's born that in all medical opinion has no chance for survival.

The use of resources of limited valuable resources and the money it takes to keep an infant alive for days when it can save a hundred kids in school when it can give them school lunches or whatever medical care these children...and I see them at my rape crisis center, don't get the medical care that they need and have nobody to take care of them. And this is what we're using our time and our resources for? Again, I object to this bill on those grounds.



Fwd: Bill 195

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

Frank Aguon, Jr. <aguon4guam@gmail.com>

Fri, Oct 18, 2013 at 7:02 PM

To: Yvette Cruz <yvettelacruz@gmail.com>, Karlo Dizon <committee@frankaguonjr.com>, "e.winston ilicito" <ewinstoni@yahoo.com>

Please add to Committee Report.

Thank you.

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **Tim Rohr** <timrohr.guam@gmail.com>

Date: Fri, Oct 18, 2013 at 6:46 AM

Subject: Bill 195

To: "Sen. Frank Aguon" <aguon4guam@gmail.com>

Cc: "Sen. Aline Yamashita" <aline4families@gmail.com>, "Sen. Anthony Ada" <senatortonyada@guamlegislature.org>, "Sen. B.J. Cruz" <senator@senatorbjcruz.com>, "Sen. Brant McCreadie" <brantforguam@gmail.com>, "Sen. Chris Duenas" <duenasenator@gmail.com>, "Sen. Dennis G. Rodriguez Jr." <senatordrodriguez@gmail.com>, "Sen. Michael San Nicolas" <senatorsannicolas@gmail.com>, "Sen. Mike Limtiaco" <mike@mikelimtiaco.com>, "Sen. Rory Respicio" <roryforguam@gmail.com>, "Sen. Tina Muna-Barnes" <senator@tinamunabarnes.com>, "Sen. Tom Ada" <office@senatorada.org>, "Sen. Tommy Morrison" <tommy@senatormorrison.com>, "Sen. Vicente Pangelinan" <senbenp@guam.net>, "Spkr. Judith Won Pat" <speaker@judiwonpat.com>, David Crisostomo <dcrisostomo@guam.gannett.com>, Gerry Partido <gerry@mvguam.com>, Jerick Sablan <jpsablan@guampdn.com>, Jon Anderson <editor@mvguam.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbg Guam.com>, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Pacific News Center <news@k57.com>, Ray Gibson <breakfastshow57@gmail.com>, Sabrina Salas <sabrina@kuam.com>, Umatuna <news@umatuna.org>, William Gibson <breakfastshowk57@gmail.com>

Senator Frank Aguon, Jr.

Dear Senator,

At the public hearing for Bill 195, former Senator Carlotta Leon Guerrero urged you to divert your attention from the "bill before you" and pay more attention to the other social ills that - according to her - contribute to Guam's infant mortality rate.

Ms. Leon Guerrero inferred that the mortality rate is due to unwanted children, which by further implication would

mean that we should just let the babies die which Bill 195 would otherwise attempt to save.

Ms. Leon Guerrero is either ignorant of the real cause of Guam's infant mortality rate or she is aware of it and purposely ignored it. In any event, her testimony is false and misleading.

Please see my [blogpost](#) for the actual reason for the infant mortality rate.

Thank you,

Tim Rohr
PO Box 9001
Agat, GU 96928
(671) 483-0467



Fwd: letter in support of Bill 195

1 Attachment

Frank Aguon, Jr. <aguon4guam@gmail.com>

Thu, Oct 17, 2013 at 2:03 PM

To: Yvette Cruz <yvettelcruz@gmail.com>, Karlo Dizon <committee@frankaguonjr.com>, "e.winston ilicito" <ewinstoni@yahoo.com>

Please add to committee report.

Thank you.

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)
155 Hesler Street
Hagatna, Guam 96910
email: aguon4guam@gmail.com
Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **Margie Canby** <margiecanby@yahoo.com>

Date: Thu, Oct 17, 2013 at 1:15 PM

Subject: letter in support of Bill 195

To: "aguon4guam@gmail.com" <aguon4guam@gmail.com>, WILLIAM IGLESIAS <billiglesias@gmail.com>

Gentlemen, I'm sure you've received plenty of testimony regarding this bill, hopefully mostly in favor. I would like to add my favorable testimony as follows:

I strongly support Bill 195 as a pro-life measure. It is a tragic reality that the law permits the killing of children prior to birth; once in a while a baby survives such a procedure, and I support any measure that ensures that such a baby receives emergency medical care. An infant who survives abortion should not be smothered or drowned in a bucket of water or strangled or have its head twisted off (as a certain abortionist in Texas does). Let's enact legislation to protect the rare survivors of abortion. For those who maintain that such legislation isn't necessary: you are incorrect; and even if what you say is true, shouldn't we err on the side of protecting these children?

Sincerely,

Marjorie DeBenedictis, MD



Fwd: Reference to Bill 195

1 message

Frank Aguon, Jr. <aguon4guam@gmail.com>

Tue, Oct 15, 2013 at 1:28 PM

To: Yvette Cruz <yvettelgcruz@gmail.com>, Karlo Dizon <committee@frankaguonjr.com>, "e.winston ilicito" <ewinstoni@yahoo.com>

re-sent.....

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **Genevieve Garrett** <guamcookies@guam.net>

Date: Tue, Oct 15, 2013 at 9:54 AM

Subject: Reference to Bill 195

To: aguon4guam@gmail.com

Hala Adai Senator Aguon

Congrats on the progress forward for Bill 195.

Might I suggest that Bill 195 be renamed to "Kailyn's Bill/Law".

My name is Genevieve Leon Guerrero, the mother of Natasha Perez, the namesake for "Natasha's Law". At the time of the push for "No Smoking" in restaurants, there were much controversy and lack of support from the business community. Our Guam Restaurant & Hotel Association and even our Guam Chamber of Commerce were counted among the many that opposed this legislation. Businesses proclaimed doom and gloom and financial collapse! Before my daughter's passing into Eternal Life, I had shared with my daughter that sometimes adults would move forward when a child is impacted. Sadly enough, even a Restraining Order was issued by the hands of our Attorney General's Office (Doug Moylan), do you recall this?

It was not until Tash passed away that these same organizations rallied in support of "Natasha's Law". People

are funny that way.

Kailyn is our Guam child that was intended to being aborted. The mother took pills to induce the abortion but instead forced her into labor. Giving birth to a daughter who was intended to be "unborn". From what I have read, this now little girl was adopted by a family and lives and thrives with her adoptive parents in the states. It is beautiful when some stories don't have a tragic ending.

In light of this, I am suggesting that Bill 195 be renamed to be "Kailyn's Bill/Law". Maybe a face, a child's face is what our community needs to moving forward.

Continue to be brave!

I applaud your courage and thank you in advance.

Si Yu'os Ma'ase.

Genevieve Leon Guerrero - Garrett



Fwd: Reference to Bill 195, "Kaitlyn's Bill/Law"

11/15/2013

Frank Aguon, Jr. <aguon4guam@gmail.com>

Tue, Oct 15, 2013 at 1:24 PM

To: Yvette Cruz <yvettelacruz@gmail.com>, Karlo Dizon <committee@frankaguonjr.com>, "e.winston ilicito" <ewinstoni@yahoo.com>

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)
155 Hesler Street
Hagatna, Guam 96910
email: aguon4guam@gmail.com
Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **Genevieve Garrett** <guamcookies@guam.net>
Date: Tue, Oct 15, 2013 at 10:18 AM
Subject: RE: Reference to Bill 195, "Kaitlyn's Bill/Law"
To: aguon4guam@gmail.com

Correction, the little girl's name is "Kaitlyn"

From: Genevieve Garrett [<mailto:guamcookies@guam.net>]
Sent: Tuesday, October 15, 2013 9:55 AM
To: 'aguon4guam@gmail.com'
Subject: Reference to Bill 195
Importance: High

Hafa Adai Senator Aguon

Congrats on the progress forward for Bill 195.

Might I suggest that Bill 195 be renamed to "Kailyn's Bill/Law".

My name is Genevieve Leon Guerrero, the mother of Natasha Perez, the namesake for "Natasha's Law". At the time of the push for "No Smoking" in restaurants, there was much controversy and lack of support from the business community. Our Guam Restaurant & Hotel Association and even our Guam Chamber of Commerce were counted among the many that opposed this legislation. Businesses proclaimed doom and gloom and financial collapse! Before my daughter's passing into Eternal Life, I had shared with my daughter that sometimes adults would move forward when a child is impacted. Sadly enough, even a Restraining Order was issued by the hands of our Attorney General's Office (Doug Moylan), do you recall this?

It was not until Tash passed away that these same organizations rallied in support of "Natasha's Law". People are funny that way.

Kailyn is our Guam child that was intended to be aborted. The mother took pills to induce the abortion but instead forced her into labor. Giving birth to a daughter who was intended to be "unborn". From what I have read, this now little girl was adopted by a family and lives and thrives with her adoptive parents in the states. It is beautiful when some stories don't have a tragic ending.

In light of this, I am suggesting that Bill 195 be renamed to be "Kailyn's Bill/Law". Maybe a face, a child's face is what our community needs to moving forward.

Continue to be brave!

I applaud your courage and thank you in advance.

Si Yu'os Ma'ase.

Genevieve Leon Guerrero - Garrett



Fwd: Bill 195-32, Mike Carey: the "happy adoptive father"

1 image(s) attached

Frank Aguon, Jr. <aguon4guam@gmail.com>

Tue, Oct 15, 2013 at 8:02 AM

To: William Iglesias <billiglesias@gmail.com>, Yvette Cruz <yvettelgcruz@gmail.com>, "e.winston ilicito" <ewinston@yahoo.com>, Karlo Dizon <committee@frankaguonjr.com>

Please include in the report.

Thank you.

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **Tim Rohr** <timrohr.guam@gmail.com>

Date: Tue, Oct 15, 2013 at 5:22 AM

Subject: Bill 195-32, Mike Carey: the "happy adoptive father"

To: "Sen. Frank Aguon" <aguon4guam@gmail.com>

Cc: "Sen. Aline Yamashita" <aline4families@gmail.com>, "Sen. Anthony Ada" <senatorantonyada@guamlegislature.org>, "Sen. B.J. Cruz" <senator@senatorbjcruz.com>, "Sen. Brant McCreadie" <brantforguam@gmail.com>, "Sen. Chris Duenas" <duenasenator@gmail.com>, "Sen. Dennis G. Rodriguez Jr." <senatordrodriguez@gmail.com>, "Sen. Michael San Nicolas" <senatorsannicolas@gmail.com>, "Sen. Mike Limtiaco" <mike@mikelimtiaco.com>, "Sen. Rory Respicio" <roryforguam@gmail.com>, "Sen. Tina Muna-Barnes" <senator@tinamunabarnes.com>, "Sen. Tom Ada" <office@senatorada.org>, "Sen. Tommy Morrison" <tommy@senatormorrison.com>, "Sen. Vicente Pangelinan" <senbenp@guam.net>, "Spkr. Judith Won Pat" <speaker@judiwonpat.com>

Please see attached. And please, let us do what we can to keep children like this from ending up in a bio-waste bag.

Tim Rohr

PO Box 9001

Agat, GU 96928

(671) 483-0467

 **Mike Carey and his daughter.pdf**
4703K

Tim Rohr
PO Box 9001, Agat, GU 96928
timrohr.guam@gmail.com

October 15, 2013

Honorable Frank B. Aguon, Jr.
Suite, 104
155 Hesler St.
Hagåtña, Guam 96910
Chairman, Committee on the Guam US Military Relocation, Homeland Security,
Veteran's Affairs and Judiciary

RE: ONE STORY OF A GUAM ABORTION SURVIVOR

Dear Senator Aguon:

In my testimony in support of Bill 195-32 of October 13, 2013, I wrote that I could give you the name of a happy adoptive father of a child who survived an abortion on Guam. Former Guam resident, Mike Carey, is the name of the "happy adoptive father" and he has given me permission to share the following with you.

from:
mdcarey0302 . <mdcarey0302@gmail.com>
to: Tim Rohr <timrohr.guam@gmail.com> ,

Oct 14, 2013 at 11:15 AM

Our daughter, Kaitlyn, survived an late-term abortion attempt by a young woman who ingested pills issued by an island "Women's clinic." Instead of inducing a spontaneous abortion as intended, the woman went into labor, and a friend had the presence of mind to drive her to GMH where she delivered a live 3 1/2 pound "preemie" and subsequently abandoned her there. Through the good offices of our priest and a Godly social worker, we took the child into our home at age 34 days. After three court appearances over the next eight months, she officially became our daughter.

The girl is a bonafide miracle child. Not only did Kaitlyn escape the welter of medical issues one might expect in a child who entered the world under such adverse conditions, she emerged as a beautiful island girl, healthy, athletic and startlingly intelligent -- nothing Chris and I can take genetic credit for, but we consider ourselves blessed for the privilege to raise such a child.

Now, at age seven, Kaitlyn makes straight "A"s in second grade at St Peter's Catholic School in Beaufort, SC. She also successfully tested for a green belt in Tae Kwon Do karate and is now training for her blue belt, with only brown and black belts to follow. Her instructor expects her to achieve both by age ten.

A few recent photos are attached.

Semper fi,
Mike









Fwd: Support for Bill 195-32

Frank Aguon, Jr. <aguon4guam@gmail.com>

Mon, Oct 14, 2013 at 11:32 AM

To: Yvette Cruz <yvettelgcruz@gmail.com>, Karlo Dizon <committee@frankaguonjr.com>, "e.winston ilicito" <ewinstoni@yahoo.com>

Report....

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **M. L. Garcia-Pereda** <mlgarciaperedagmail.com>

Date: Mon, Oct 14, 2013 at 10:25 AM

Subject: Support for Bill 195-32

To: "Aguon, Honorable Frank B." <aguon4guam@gmail.com>

Dear Senator Aguon:

Thank you for re-introducing a pro-life bill from a previous Legislature, in defiance of your party's disregard for the Unborn as indicated in the National Party Platform.

I am writing in full support of Bill 195-32, "The Infant Child's Right to Life Act," which ensures that a child who survives an abortion will receive the appropriate care. I do not have all "facts" to counter the testimony of the "professionals" who testified against the Bill the other day. I just know that babies DO survive abortion attempts -- Gianna Jessen is the first one I became aware of years ago -- and I believe that a child who survives such a horrific attempt to end his/her life should be protected from another attack.

Thank you again for resurrecting "The Infant Child's Right to Life Act."

Mary Lou Garcia-Pereda
Registered Voter



Fwd: Testimony in support of Bill 195-32

Frankaguonjr@gmail.com

Frank Aguon, Jr. <aguon4guam@gmail.com>

Mon, Oct 14, 2013 at 8:20 AM

To: Yvette Cruz <yvettelgcruz@gmail.com>, Karlo Dizon <committee@frankaguonjr.com>, "e.winston ilicito" <ewinston@yahoo.com>

Please add to Committee report.

Thank you.

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

Contact Nos. Office, 475-GUM1/2 (4861/2)

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

From: **Tim Rohr** <timrohr.guam@gmail.com>

Date: Mon, Oct 14, 2013 at 4:45 AM

Subject: Testimony in support of Bill 195-32

To: "Sen. Frank Aguon" <aguon4guam@gmail.com>

Cc: "Sen. Aline Yamashita" <aline4families@gmail.com>, "Sen. Anthony Ada" <senatorantonyada@guamlegislature.org>, "Sen. B.J. Cruz" <senator@senatorbjcruz.com>, "Sen. Brant McCreadie" <brantforguam@gmail.com>, "Sen. Chris Duenas" <duenasenator@gmail.com>, "Sen. Dennis G. Rodriguez Jr." <senatordrodriguez@gmail.com>, "Sen. Michael San Nicolas" <senatorsannicolas@gmail.com>, "Sen. Mike Limtiaco" <mike@mikelimtiaco.com>, "Sen. Rory Respicio" <roryforguam@gmail.com>, "Sen. Tina Muna-Barnes" <senator@tinamunabarnes.com>, "Sen. Tom Ada" <office@senatorada.org>, "Sen. Tommy Morrison" <tommy@senatormorrison.com>, "Sen. Vicente Pangelinan" <senbenp@guam.net>, "Spkr. Judith Won Pat" <speaker@judiwonpat.com>

....and a challenge to the erroneous claims of Lou Leon Guerrero and Anita Arriola made at the public hearing.

Attached

Tim Rohr

PO Box 9001

Agat, GU 96928

(671) 483-0467

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Mon, Oct 14, 2013 at 8:25 AM

To: "Frank Aguon, Jr." <aguon4guam@gmail.com>

Cc: Yvette Cruz <yvettelgcruz@gmail.com>, "e.winston ilicito" <ewinstoni@yahoo.com>

RCVD

[Quoted text hidden]

--

Thanks!

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

Office of Senator Frank B. Aguon, Jr.

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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Tim Rohr
PO Box 9001, Agat, GU 96928
timrohr.guam@gmail.com

October 13, 2013

Honorable Frank B. Aguon, Jr.
Suite, 104
155 Hesler St.
Hagåtña, Guam 96910
Chairman, Committee on the Guam US Military Relocation, Homeland Security,
Veteran's Affairs and Judiciary

RE: TESTIMONY IN SUPPORT OF BILL 195-32

Dear Senator Aguon:

I write in support of Bill 195-32 and urge its prompt passage.

I also want to address the erroneous claims by Lou Leon Guerrero and Anita Arriola made at the recent public hearing.

Lou Leon Guerrero was reported as saying: "I am aware that there is always (sic) federal legislation that addresses the issue at hand, thus making this legislation unnecessary." And Anita Arriola reportedly claimed that the measure is "unnecessary since Guam and federal law already protect born alive infants, whether or not they are born alive as a result of an abortion." ¹

Both statements are incorrect. Section (a) of the federal Born Alive Infant Protection Act (BAIPA) 1 USC § 8 reads:

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development.

As is clearly evident, the law only applies to acts, rulings, regulations and interpretations to bureaus and agencies under federal control. Also, the law goes on to only define the term "born-alive" and does not mandate medical care nor impose a penalty for not doing so as does Bill 195-32. (See attached copy of the complete statute.)

Under 1 USC § 8, norms of medical care and penalties for failing to provide such care could certainly be affected by the definition of a “born-alive infant” found in 1 USC § 8, but again, only relative to the “various administrative bureaus and agencies of the United States.

The Territory of Guam is neither an administrative bureau nor an agency of the United States which means that 1 USC § 8 does not apply, nor does it apply to the other territories and states.

Thus, twenty five states, so far, have seen fit to enact their own born-alive laws and the introduction of Bill 195-32 is an effort to do the same. (See attached illustration of states which have enacted born-alive legislation similar to Bill 195-32)

Note: Arriola also believes that Bill 195-32 is also unnecessary because Guam law already criminalizes homicide. Arriola is wrong about this too. See footnote. ²

HAS THERE BEEN ANY INCIDENCE OF A CHILD SURVIVING AN ABORTION ON GUAM? (i.e. IS THIS LAW NECESSARY?)

Yes. I can give you the name and number of a happy adoptive father whose beautiful young daughter survived a failed abortion and was rescued by a compassionate nurse. The father shared this story at a pro-life event here in Guam in December of 2010.

There is also another name I wish I could give you, a local doctor who recounted to me - without naming the persons involved - the gruesome consequences of a failed saline abortion. He happened to be on call at the GMH emergency room. For professional reasons he has asked not to be identified. However, given the challenges voiced at the public hearing, I am going to speak to him again to see if he will share what he knows with you, if only personally.

But aside from personal witness and confidential anecdotes, coming up with actual data on abortion survivors on Guam is next to impossible. There are two reasons why:

1. Abortions gone wrong usually don't stay in the clinics. They end up in the hospital. But because the hospital does not officially do abortions, the case - whether the child lives or dies - is not recorded as abortion-related. The one case we do know of a child surviving an abortion and being adopted was a case which ended up at the hospital. Because the child survived, it was recorded as a live birth and not a failed abortion or even a complication resulting from abortion. The hospital should be required to record any abortion-related cases as “abortion-related”. Perhaps the Health Chair can look into this soon.

2. Guam's abortion reporting law does not have a gestational age requirement. This makes it difficult to know the true figures on later term abortions for which there is a higher probability of a child surviving an abortion procedure. To address this deficiency I am attaching the draft of a bill requiring the reporting of gestational age. It was drafted

by a local attorney and is ready for insertion into the GCA upon enactment. You have only to introduce it and see it through to passage.

LEAVE IT TO THE MEDICAL PROFESSIONALS?

According to the same news report, Leon Guerrero went on to criticize you (as the author of the bill) for taking “away the discretion, the responsibility, the acumen, and judgment of those medical professionals who is (sic) on the ground experiencing the circumstances and is (sic) more equipped to make a decision.”

Her assessment is incorrect. Your bill does not prescribe the treatment. Your bill only mandates that there BE “medically appropriate” treatment, and that the child not be immediately discarded as medical waste. In fact the very phrase “medically appropriate” fully implies that the “medical professionals” are in full control of what treatment to prescribe.

Leon Guerrero’s comments also bring to mind the recent trial of Kermit Gosnell, the Philadelphia physician who was convicted of first-degree murder in the deaths of three babies born alive after an abortion process that involved jabbing them in the neck with scissors, and whose clinic was described by investigators as a “house of horrors”. ³

Contrary to what Leon Guerrero thinks, apparently not all medical professionals are equipped with the kind of “discretion, responsibility, acumen, and judgement” we hope they would have. It is the duty of our government to protect the public from people like Gosnell. (By the way, when is the last time Guam’s abortion clinics were inspected?)

For those who require more evidence that children can and do survive abortion procedures, you are encouraged to visit the ABORTION SURVIVORS NETWORK and read their stories. The site also provides many useful facts relative to this legislation. ⁴

A FINAL THOUGHT

Even “hard core” abortion advocates such as Senators Barbara Boxer, John Kerry, and the late Ted Kennedy voted to define a “born-alive infant” as a legal human being deserving of all the legal protections and rights normally accorded to fellow humans. The measure passed the senate in a rare unanimous vote. What a sad commentary on Guam should we not find it in ourselves to do the same.

Truly, Senator, even if we cannot know the actual number of children left to die or killed after surviving a failed abortion, isn’t the intentional killing or the negligent death of even one child who has survived a normally deadly abortion procedure, laying on a table and gasping for life, ENOUGH? And even if we cannot completely enforce such a statute, is it not worth something to us to enshrine into law - by the provisions of Bill 195-32 - that which we, the people of Guam, are NOT WILLING TO TOLERATE?

Let us hope so.

Tim Rohr
Resident, Agat

Footnotes

1. Losinio, L. (2013, October 11). Bill 195 gets some opposition in hearing. Marianas Variety. <http://www.mvguam.com/local/news/31746-bill-195-gets-some-opposition-in-hearing.html>

2. BORN-ALIVE INFANT is a special legal designation of a human being, a designation that required the enactment of the federal BORN ALIVE INFANT PROTECTION ACT of 2002 (BAIPA). The reason the BAIPA was introduced in the first place was to address the gray area between an abortion and a homicide. Guam has no such "born-alive infant" designation. Relative to homicide, Guam law simply defines a human being as a person who "has been born and is alive" [9 GCA § 16.10 (a)]. Since there is no intent to birth a human being via an abortion procedure but to kill it, the definition of a human being in Guam law, at least relative to homicide, is deficient.

In addition, it must be noted, that because the abortion procedure was initiated with the intent to kill the unborn child. ("Unborn Child" is a legal term in Guam law.) Should the child not yet be dead upon extraction from the mother, the killing or neglect of the child at that point could be considered a "continuing act" - the completion of the procedure - and not a homicide. As already noted, the federal government and, to date, twenty five states, have legislatively addressed the same deficiency. Bill 195-32 simply intends to do the likewise.

Curiously, if Arriola was held to be correct about the federal law and Guam's homicide law already applying, then according to Dr. Bordallo's testimony, criminal homicide is standard operating procedure at GMH. In a written statement read by another doctor, Bordallo stated that physicians at the ob-gyn and pediatrics department at GMH "reviewed current medical data regarding survival rates and subsequent morbidity and determined a gestational age of 24 weeks and a weight of 500 grams as a threshold of viability, where resuscitation is mandated." If the federal law already applies to Guam, as Arriola holds, then once expelled from the mother's body, the infant is, according to 9 GCA § 16.10 (a), a "human being" regardless of its age or weight, and leaving the child to die without any attempt to save it would be considered negligent homicide under 9 GCA § 16.10 (a).

By the way, the youngest child to be born prematurely and survive was born at 21 weeks and 5 days and weighed 453 grams. At GMH, the child would have been discarded. *Rochman, Bonnie. "Incredibly, World's Tiniest Preterm Babies Are Doing Just Fine." Time Magazine. Dec. 12, 2011)

3. Hurdle, J. (2013, May 15). Doctor Starts His Life Term in Grisly Abortion Clinic Case. New York Times. http://www.nytimes.com/2013/05/16/us/kermit-gosnell-abortion-doctor-gets-life-term.html?_r=0

4. ABORTION SURVIVORS NETWORK. <http://www.theabortionsurvivors.com/>

Attachments

A. 1 U.S.C. 8 - PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL." AS INCLUDING BORN-ALIVE INFANT (online [here](#))

B. Americans United for Life. "State of the States. Where are we now?. Born Alive Infant Protection Act. Chart (attached)

C. Proposed bill mandating the inclusion of the reporting of gestational age in the abortion reporting law.

in this division [Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006, see Tables for classification] shall be treated as referring only to the provisions of this division."

REFERENCES IN PUB. L. 108-447

Pub. L. 108-447, § 3, Dec. 8, 2004, 118 Stat. 2810, provided that: "Except as expressly provided otherwise, any reference to 'this Act' contained in any division of this Act [Consolidated Appropriations Act, 2005, see Tables for classification] shall be treated as referring only to the provisions of that division."

REFERENCES IN PUB. L. 108-199

Pub. L. 108-199, § 3, Jan. 23, 2004, 118 Stat. 4, provided that: "Except as expressly provided otherwise, any reference to 'this Act' contained in any division of this Act [Consolidated Appropriations Act, 2004, see Tables for classification] shall be treated as referring only to the provisions of that division."

REFERENCES IN PUB. L. 108-7

Pub. L. 108-7, § 3, Feb. 20, 2003, 117 Stat. 12, provided that: "Except as expressly provided otherwise, any reference to 'this Act' contained in any division of this joint resolution [Consolidated Appropriations Resolution, 2003, see Tables for classification] shall be treated as referring only to the provisions of that division."

CONTINENTAL UNITED STATES

Section 48 of Pub. L. 86-70, June 25, 1959, 73 Stat. 154, provided that: "Whenever the phrase 'continental United States' is used in any law of the United States enacted after the date of enactment of this Act [June 25, 1959], it shall mean the 49 States on the North American Continent and the District of Columbia, unless otherwise expressly provided."

§ 2. "County" as including "parish", and so forth

The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States.

(July 30, 1947, ch. 388, 61 Stat. 633.)

§ 3. "Vessel" as including all means of water transportation

The word "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(July 30, 1947, ch. 388, 61 Stat. 633.)

§ 4. "Vehicle" as including all means of land transportation

The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land.

(July 30, 1947, ch. 388, 61 Stat. 633.)

§ 5. "Company" or "association" as including successors and assigns

The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", in like manner as if these last-named words, or words of similar import, were expressed.

(July 30, 1947, ch. 388, 61 Stat. 633.)

§ 6. Limitation of term "products of American fisheries"

Wherever, in the statutes of the United States or in the rulings, regulations, or interpretations of various administrative bureaus and agencies of the United States there appears or may appear the term "products of American fisheries" said term shall not include fresh or frozen fish fillets, fresh or frozen fish steaks, or fresh or frozen slices of fish substantially free of bone (including any of the foregoing divided into sections), produced in a foreign country or its territorial waters, in whole or in part with the use of the labor of persons who are not residents of the United States.

(July 30, 1947, ch. 388, 61 Stat. 634.)

§ 7. Definition of "marriage" and "spouse"

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife.

(Added Pub. L. 104-199, § 3(a), Sept. 21, 1996, 110 Stat. 2419.)

§ 8. "Person", "human being", "child", and "individual" as including born-alive infant

(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development.

(b) As used in this section, the term "born alive", with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

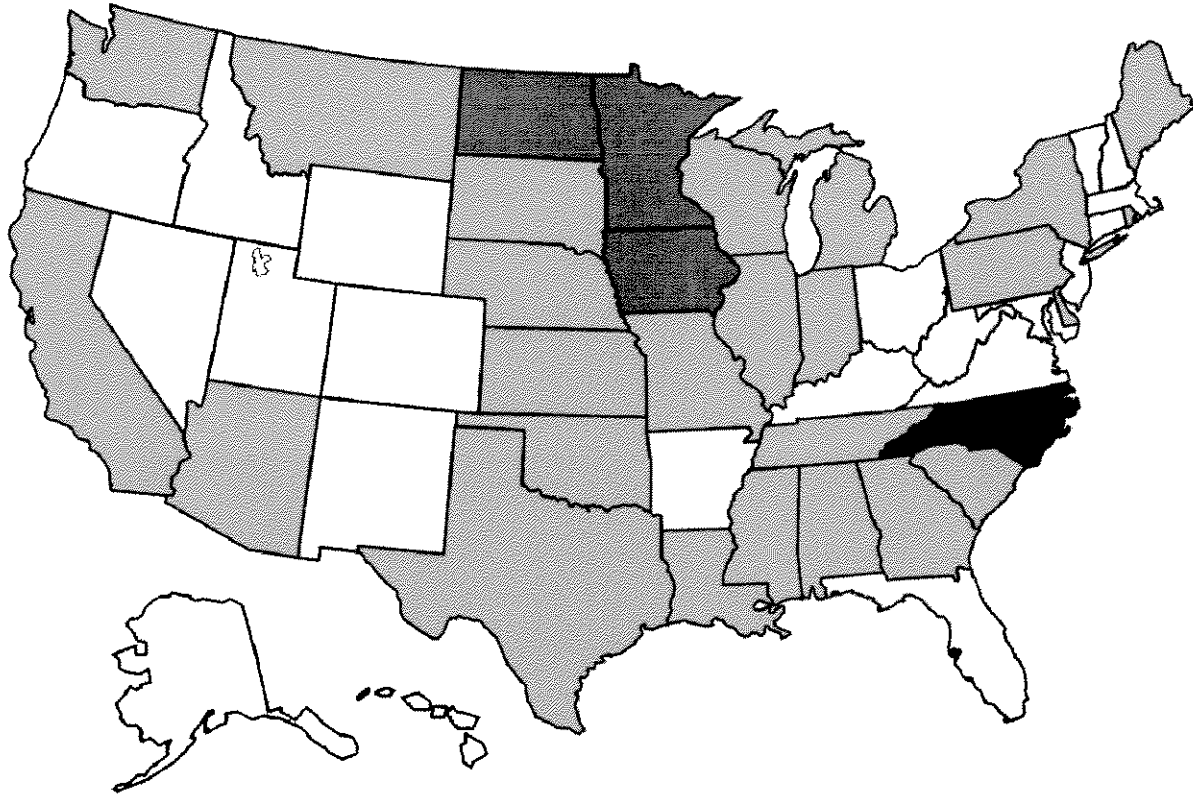
(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being "born alive" as defined in this section.

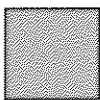
(Added Pub. L. 107-207, § 2(a), Aug. 5, 2002, 116 Stat. 926.)

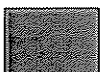
CHAPTER 2—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS


Sec.	
101.	Enacting clause.
102.	Resolving clause.
103.	Enacting or resolving words after first section.
104.	Numbering of sections; single proposition.
105.	Title of appropriation Acts.

STATE OF THE STATES: WHERE ARE WE NOW? BORN-ALIVE INFANT PROTECTION (BAIPA)



 Twenty-five states have laws creating a specific affirmative duty for physicians to provide medical care and treatment to born-alive infants at any stage of development: AL, AZ, CA, DE, GA, IL, IN, KS, LA, ME, MI, MS, MO, MT, NE, NY, OK, PA, RI, SC, SD, TN, TX, WA, and WI.

 Three states have laws creating a specific affirmative duty for physicians to provide medical care and treatment to born-alive infants only after viability: IA, MN, and ND.

 One state protects born-alive infants at any stage of development from “deliberate acts” undertaken by a physician that result in the death of the infant: VA.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. __ (____)

Introduced by:

**AN ACT TO AMEND TITLE 10, CHAPTER 3,
ARTICLE 2 OF THE GUAM CODE ANNOTATED
TO ADD A NEW SUBSECTION 3218(a)(25) TO
REQUIRE ABORTION PROVIDERS TO INCLUDE
GESTATIONAL AGE IN ABORTION REPORTS**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Government of Guam has a public health interest in knowing the gestational age of unborn children terminated by abortion on Guam. The purpose of this act (the “Act”), therefore, is to add the gestational age of the unborn child terminated by the abortion to the information that abortion providers must include in the abortion reports which they presently submit to the Guam Memorial Hospital Medical Records Section pursuant to 10 G.C.A. § 3218

Section 2. A New Subsection 3218(a)(25). Title 10, Chapter 3, Article 2, Section 3218, Subsections (a)(23) through (a)(25) of the Guam Code Annotated are amended to read as follows:

(23) Signature of attending physician; ~~and~~

(24) Certification provided for in this section: ~~;~~ **and**

**(25) Gestational age, as measured in weeks, of the unborn child
terminated by the abortion.**

Section 3. Severability. Any provision of this Act held to be invalid *or* unenforceable by its terms or as applied to any person or circumstance, *shall* be construed so as to give it the maximum effect permitted by law unless such holding shall be one of utter invalidity or unenforceability, in which event, such provision *shall* be deemed severable herefrom and *shall* not affect the remainder hereof *or* the application of such provision to other persons *not* similarly situated *or* to other dissimilar circumstances.

Section 4. Effective Date. This Act *shall* take effect 30 days after enactment.



Re: I support Bill 195-32

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Fri, Oct 11, 2013 at 11:38 AM

To: christy alcantara <kitealcantara@yahoo.com>

Bcc: committee@frankaguonjr.com

Ms. Alcantara,

Acknowledging receipt of your written testimony, we will include this into the Committee Report for Bill 195-32 (COR).

Si Yu'os Ma'ase'!

On Fri, Oct 11, 2013 at 10:13 AM, christy alcantara <kitealcantara@yahoo.com> wrote:

Dear Senator Aguon,

The inhumanity and brutality of ripping a baby into pieces, or burning his skin and organs while in his mother's womb is undeniable (referring to abortion procedures).

Not very far from that brutal and inhumane action is **willfully and intentionally** leaving an infant who is writhing in pain, barely breathing and is in obvious need of medical attention, **to die.**

Hearing the testimonies yesterday of those who oppose the bill, I am appalled at how much we equate the value of the youngest members of our society to how much resources we have. In this day and age of much advancement, we seem to have gone back to the days when a tribe will throw tribe members to the river to die (children, usually) so they will have lesser mouths to feed, instead of finding ways to increase resources.

What have we become? What are we teaching the next generation to become?

Mater et magistra. The law does teach. What you pass into law will form the conscience and moral views of the next generation. Are you leaving behind a moral principle that can and will shape the next generation to be the kind of children you would want to have in your own family?

Respectfully,

Christy Alcantara
Mongmong



Frank Aguon, Jr. <aguon4guam@gmail.com>

Support Bill 195-32

Sharon O'Mallan

Sharon O'Mallan <somallan@lexguam.com>

Thu, Oct 10, 2013 at 4:01 PM

To: aguon4guam@gmail.com

Dear Senator Frank Aguon,

I ask that you quickly pass Bill 195-32 out of your committee.

I may not be able to make this public hearing today, but please let this email serve as a notice of support.

Respectfully,

Sharon E. O'Mallan

P.O. Box 1552

Hagatna, GU 96932

788-1227

Frank Aguon, Jr. <aguon4guam@gmail.com>

Thu, Oct 10, 2013 at 4:48 PM

To: Sharon O'Mallan <somallan@lexguam.com>

Thank you for your testimony of support.

Have a great evening!

Respectfully,

SENATOR FRANK B. AGUON, JR.Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

Contact Nos. Office, 475-GUM1/2 (4861/2)

[Quoted text hidden]



Bill 195-32

DonaMila Taitano <donamila@gmail.com>

Thu, Oct 10, 2013 at 2:12 PM

To: aguon4guam@gmail.com

Senator Aguon,

I've always voted for you. It was honor voting for you. I'm sadden to hear that somehow the right to life is not a priority for you. You fought for us, I've seen you pray for us. I pray you make the right decisions. Not just for our island, but for you too.

in Christ's mercy and love,
DonaMila Inta Taitano
"Build the Kingdom"

Frank Aguon, Jr. <aguon4guam@gmail.com>

Thu, Oct 10, 2013 at 4:48 PM

To: DonaMila Taitano <donamila@gmail.com>

Bcc: "Frank Aguon, Jr." <aguon4guam@gmail.com>

DonaMila,

Thank you very much for your comments and sharing your perspective. I would like to let you know that I am the primary sponsor of Bill No. 195, which is the "Infant Child's Right to Life Act", which was previously considered in a prior legislature. With my colleagues' support, I will work to ensure its passage.

Have a great evening!

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

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Bill 195-32

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in Christ's mercy and love,
DonaMila Inta Taitano
"Build the Kingdom"

Office of Senator Frank B. Aguon, Jr.


Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

NOTICE: The information in this e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact me by reply e-mail, and destroy all copies of the original message.

I come before this legislature to testify against bill 95-32. There are specific concerns about the bill that I would like to address. At Guam Memorial Hospital a review of the federal statute that protects infants that are born alive regardless of gestational age or viability was undertaken and a policy governing our responsibilities to the newborn, its parents and the community was agreed upon by the Obstetrics and Pediatrics departments. The governing body of the medical staff as well as the Board of Trustees reviewed and approved this policy. These physicians reviewed current medical data regarding survival rates and subsequent morbidity and determined a gestational age of 24 weeks and a weight of 500 grams as the threshold for viability where resuscitation was mandated. A clinical assessment by the obstetrician for previable infants and in cases of undetermined gestational age, the pediatrician, would determine need for resuscitation. Specific clinical factors would guide the physicians in their assessments. This bill does not allow for any clinical assessment before activating the EMS system and engaging resources we cannot afford to save infants that have no chance for survival. By not including an assessment of viability "reasonable "medical care cannot be defined. The sole purpose of this bill seems to be to set up criminal and civil penalties directed at the doctors who provide these services to patients in need of them. It goes so far to include a civil action of wrongful death when an infant who cannot be saved by any medical intervention dies. The ability of our community to respond to the medical needs of everyone is dependent on judicial use of our scarce resources. A review of medical standards that are appropriate for the level of care available on Guam should determine what interventions we undertake for all segments of our community. Legislation has little role in specifying what those interventions should or shouldn't be.

ANNIE U. BORDALLO, M.D.



10/10/13

Comments on Bill 195-32

Good afternoon Senators. My name is Lou Leon Guerrero. Thank you for the opportunity to share with you some of my thoughts and comments regarding Bill 195-32. I am aware that there is already Federal Legislation that address the issue at hand thus making this legislation unnecessary. As I read the Bill what was glaring to me is that you are now walking into the realm of Medical Practice that is not your area of expertise. By passing this Bill you are saying to me and allowing a special interest group to say that you and they know better than the experts in Obstetrics, Family Practice, Pediatrics, Neonatology and Medicine. By way of this Bill you have taken away the discretion, the responsibility, the acumen and the judgment of that Medical Professional who is on the ground experiencing the circumstances and is more equipped to make the decisions. There are medical standards vetted through scientific research and Medical knowledge that govern the practice of Doctors and guide them in making their decisions. By way of this Bill you have said to our Doctors who are well respected and highly regarded in our community, we have no confidence in your ability. This Bill not only diminishes the medical professional but it further carries them on to Jail by criminalizing them if they refuse to abide by the mandate. By way of this Bill you have affirmed that Doctor to have committed aggravated murder and for that crime we will put you in jail for life and by the way you will rot in jail because you are not eligible for parole, work release or educational programs outside the confines of prison.

If this Bill passes, we as a community through your representation will have mandated a government policy, that ignores Medical Expertise and puts not only our Doctors but also our Nurses, Medical Assistants,

our Physician Assistants and any Health professional present at that event in Jail. These health professionals are treasures. They are valuable resources. We are working hard to recruit and retain them and now we send them a message that they may end up in jail for practicing their profession. I know and truly believe that this is not the road you

This Bill is very anti quality of life because it does not consider the expense that the family will incur as a result of mandating treatment that most likely will not result in a quality of life outcome for the infant.

Instead what this Bill does will burden the family with enormous medical bills. On the conservative side---if care and treatment is given for a year that family or the government if the infant becomes a ward of the Territory will at a minimum pay \$273,000 just on hospital room charges. This does not include pharmaceuticals, medical supplies and health professional time. So it will be \$273,000 plus a year. This means taking away limited resources that could be used by others that have a better chance of a quality of life. I know that some will say you can not put a price tag on life and money should not be a factor. But the reality of the situation is the family, the government does not have the human and economic resource to provide the care that is required to sustain a life that medical science will tell you is not living a quality of life. You struggle daily to meet the challenges of health care cost. We saw that with the Hospital, health insurance debates. And now with this Bill it will further add on to the challenges when it does not have to.

Lastly, I would like to make this comment. We all have a greater challenge in our island. The community is more concern on how we can decrease our unemployment rate of 13.3%. We are very concern

on how we can work together to provide more jobs because our job growth has been stagnant over the last five years. We are very concern about access to health care. We are very concern that we are not screaming to the Federal government to include us in the Health Insurance Exchange so we can have affordable health care to everyone. We are very concern about how we can provide affordable housing to many first time home owners. We are extremely concern about the rising crimes we see today. People do not feel safe in their homes. Women are scared to go to the grocery stores because they fear that they could be robbed in the middle of the day. Employees do not feel safe in their work environment. Domestic Violence is on the rise. Sexual assault of minors and rape cases are on the rise. You have in your campaigns pledged to work on these issues. You were all voted to help address these concerns. The issues you ran on were why you are my senators. Most of the voters did not vote for you based on whether you are pro choice or pro life. Please lets get back on track to the more compelling issues at hand that have a greater impact on the quality of life of our people. I ask that when you are considering this Bill to seriously consider the negative consequences of this piece of legislation as I had enumerated. Please talk to as many people as you feel is necessary, talk to the experts that can give you factual and objective information. I trust that you will do your due diligence and I know that you will act in favor of the greater good of our community. And in so doing you will arriveto the conclusion that this Bill should not pass.

Thank you.

Law Office of
ARRIOLA COWAN & ARRIOLA

JOAQUIN C. ARRIOLA MARK E. COWAN
ANITA P. ARRIOLA JOAQUIN C. ARRIOLA, JR.

Calvo-Arriola Bldg., Suite 201
Hagatna, Guam
Mailing Address:
P.O. Box X Hagatna, Guam 96932

Telephone: 671-477-9730/33
Facsimile: 671-477-9734
E-Mail: acalaw@teleguam.net

October 10, 2013

VIA HAND DELIVERY

Honorable Frank B. Aguon, Jr.
Chairman
Committee on the Guam U.S. Military Relocation,
Homeland Security, Veteran's Affairs and Judiciary
32nd Guam Legislature
155 Hesler St.
Hagatna, Guam 96910

Re: Bill 195-32

Dear Senator Aguon:

I represent abortion providers and obstetrician-gynecologists whose criminal liability would be affected by Bill 195-32.

1. Bill 195-32 is unnecessary since Guam and Federal law already protects born alive infants, whether or not they are born alive as a result of an abortion.

Bill 195-32 defines "Infant" as a child of the species *homo sapiens* that is **born** ("completely expelled or extracted from its mother") and is **alive** ("after expulsion or extraction . . . shows any evidence of life"). Section 91.03(b) and (e). The bill further provides that "[a]ny physician, nurse or other licensed healthcare provider who intentionally with premeditation or intentionally, or knowingly, or recklessly, or by criminal negligence fails to provide reasonable and medically-appropriate and reasonable care and treatment to an infant in the course of an abortion **shall be guilty of a criminal homicide.**" Section 91.05(a).

Guam's criminal homicide law, 9 G.C.A. § 16.10 *et seq.*, already exists and applies to an intentional or criminally negligent death of a born alive infant. The statute defines "Human Being" as "**a person who has been born and is alive.**" 9 G.C.A. § 16.10(a). See Exhibit A. Section 16.20(a) states that "[a] person is guilty of criminal homicide if he causes the death of another human being (1) intentionally and with premeditation; or (2) intentionally; or (3) knowingly; or (4) recklessly; or (5) by criminal negligence." (Note that the terms in (1) – (5) are copied verbatim in Bill 195-32). Clearly, if a physician or nurse or anyone else who intentionally or with criminal negligence withholds medically appropriate and reasonable life-saving and life-sustaining medical care and treatment to a born alive

infant in the course of an abortion and causes the infant to die, that person may be charged under the Guam criminal homicide law. The law extends to all deaths of all infants who are born alive, whether or not they are born alive in the course of an abortion.

There is also a federal law which applies to Guam and protects born alive infants. The "Born-Alive Infants Protection Act of 2002" (BAIPA) is codified in 1 U.S.C. § 8. See Exhibit B. The law is an act of Congress which extends legal protection to an infant born alive after a natural or induced labor, cesarean section or induced abortion. It was signed by Pres. George W. Bush on August 5, 2002 and it has been the law in Guam for eleven years. It defines a "person, human being, child and individual" to include "every infant member of the species homo sapiens who is born alive at any stage of development. It gives rights as a human to any child born within the United States and it provides that all federal protections for persons apply to every infant born alive. Most of the definition of "born alive" in the federal law is copied in Bill 195-32.

Under subsection (a) of the federal statute, it states that the very broad definition of "person" or "human being, "child" or "individual" applies in any federal statute, ruling or regulation or interpretation of federal agencies. This means that under federal law, acts such as murder, assault, child abuse, and serious bodily injury would be crimes if committed against a born alive infant. 18 U.S.C. § 1111. Any injury or death to a born-alive infant would be prosecuted under federal law.

2. Some provisions of Bill 195-32 do not make sense.

The bill was copied almost verbatim from a form issued by Americans United for Life except for addition of the criminal homicide provision. See Exhibit C. The problem with form legislation is that there is no real thought or regard to whether the bill is understandable or whether it should apply to Guam. You're just using a form.

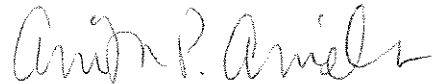
Section 91.03(c) defines "Consent" to mean "knowledge of and explicit or implicit agreement to or instruction to perform a violation of this Act." What does this mean? I have never seen a definition of consent like this before and have found no comparable definition in any other law or case. When applied to section 91.04(c) (parents' or guardians' refusal to give consent to medical treatment or surgical care which is not medically necessary or reasonable), it is incomprehensible.

Similarly, section 91.04(d) requires that if an abortion is performed in a facility other than a hospital results in a live birth a physician shall call 9-1-1 for an emergency transfer of the infant to a hospital. How does calling 9-1-1 help to save a born alive infant given the outdated and obsolete 911 system Guam currently has? Does "licensed health care provider" include Emergency Medical Technicians so that EMTs are liable under the bill too?

Page 3 of 3

In sum, Bill 195-32 is unnecessary because Guam and Federal laws already exist to protect born alive infants. The bill also has some problematic provisions which should be carefully reviewed to determine if they should apply to Guam.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anita P. Arriola", written in dark ink.

ANITA P. ARRIOLA

CHAPTER 16 CRIMINAL HOMICIDE

- §16.10 Definitions Applicable to Chapter.
- §16.20 Criminal Homicide Defined.
- §16.30 Aggravated Murder Defined.
- §16.40 Murder Defined.
- §16.50 Manslaughter Defined and Classified.
- §16.60 Negligent Homicide Defined and Classified.

NOTE: References to "Director of Public Safety" changed to "Chief of Police", and references to "Department of Public Safety" changed to Guam Police Department pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam Police Department.

§16.10. Definitions Applicable to Chapter. As used in this Chapter:

- (a) *Human Being* means a person who has been born and is alive;
- (b) *Bodily Injury* means physical pain, illness, unconsciousness or any impairment of physical condition;
- (c) *Serious Bodily Injury* means bodily injury which creates: serious permanent disfigurement; a substantial risk of death or serious, permanent disfigurement, severe or intense physical pain or protracted loss or impairment of consciousness or of the function of any bodily member or organ;
- (d) *Deadly Weapon* means any firearm, or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to the defendant to be capable of producing death or serious bodily injury.

SOURCE: M.P.C. §210.0; *Cal. §1400 (T.D.2 1968); Mass. ch. 265, §1; N.J. §2C:11-1.

CROSS-REFERENCES: §19.20; §31.20 of this Title.

COMMENT: Unconsciousness has been expressly set forth in Subsections (b) and (c) as a form of bodily injury and the scope of serious bodily injury has been expanded to include bodily injury which creates a substantial risk of serious, permanent disfigurement or severe, or intense physical pain. Subsection (a) excludes the killing of a fetus from homicide. But see §19.20 (aggravated assault; Section would be applicable to viable fetus); §31.20 (abortion).

§16.20. Criminal Homicide Defined.

- (a) A person is guilty of criminal homicide if he causes the death of another human being:
 - (1) intentionally and with premeditation; or



- (2) intentionally; or
- (3) knowingly; or
- (4) recklessly; or
- (5) by criminal negligence.

(b) *Criminal homicide* is aggravated murder, murder, manslaughter or negligent homicide.

SOURCE: *M.P.C. §210.1; Cal. §1410 (T.D.2 1968); N.J. §2C:11-2; R/R by P.L. 16-126.

COURT DECISIONS: C.A.9 1981 Where officers' testimony show that the testimony of a witness was secured by a promise that the witness would not be charged in exchange for his cooperation, the trial court erred when it failed to give an instruction on immunity warning the jury of the witnesses' motivation. And instruction on accomplice testimony was unnecessary when the witness was an accessory after the fact, but did not participate in the actual murder. *People v. Dela Rosa*, 644 F.2d 1257.

§16.30. Aggravated Murder Defined.

(a) Criminal homicide constitutes aggravated murder when:

- (1) it is committed intentionally with premeditation; or
- (2) it is committed during the commission or attempt to commit any felony defined in Chapters 22, 25, 31, 34, 37, 40 or 58 of this Title; or
- (3) death is directly caused by the illegal use of a Schedule I Controlled Substance, as defined by Chapter 67 of this Title, to a minor child under the age of eighteen (18) years old (Any person who knowingly or willingly transfers or sells any Schedule I Controlled Substance, as defined by Chapter 67 of this Title, to a minor child under the age of eighteen (18) years old in violation of the provisions of Chapter 67 of this Title, and such controlled substances directly causes the death of such minor child, is guilty of aggravated murder. This Section shall *not* apply to health care professionals and pharmacists in the legitimate practice of the healing arts.); or
- (4) it is committed upon the orders of another person. Such person giving the order is also guilty of aggravated murder.

(b) Aggravated murder is a felony of the first degree, but a person convicted of aggravated murder shall be sentenced to life imprisonment notwithstanding any other provision of law; provided, further, that any person convicted of aggravated murder shall *not* be eligible for parole, work release, educational programs outside the confines of prison nor shall his sentence be suspended.

C

Effective: August 5, 2002

United States Code Annotated CurrentnessTitle 1. General Provisions (Refs & Annos)■ Chapter 1. Rules of Construction

→→ § 8. "Person", "human being", "child", and "individual" as including born-alive infant

(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development.

(b) As used in this section, the term "born alive", with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being "born alive" as defined in this section.

CREDIT(S)

(Added Pub.L. 107-207, § 2(a), Aug. 5, 2002, 116 Stat. 926.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

2002 Acts. House Report No. 107-186, see 2002 U.S. Code Cong. and Adm. News, p. 620.

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18 USC § 1111 - Murder

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2

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(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States, Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(c) For purposes of this section—

- (1) the term “assault” has the same meaning as given that term in section 113;
- (2) the term “child” means a person who has not attained the age of 18 years and is—
 - (A) under the perpetrator’s care or control; or
 - (B) at least six years younger than the perpetrator;
- (3) the term “child abuse” means intentionally or knowingly causing death or serious bodily injury to a child;
- (4) the term “pattern or practice of assault or torture” means assault or torture engaged in on at least two occasions;
- (5) the term “serious bodily injury” has the meaning set forth in section 1365; and
- (6) the term “torture” means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340 (1).

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BORN-ALIVE INFANT PROTECTION ACT

HOUSE/SENATE BILL NO. _____

Sponsored by Representatives/Senators _____

Section 1. Title.

This Act may be known and cited as the "Born Alive Infant Protection Act".

Section 2. Legislative Findings and Purpose.

- (a) The [Legislature] of the State of [Insert name of State] finds that:
- (1) The State of [Insert name of State] has a paramount interest in protecting all human life.
 - (2) If an [attempted] abortion results in the live birth of an infant, the infant is a legal person for all purposes under the laws of this State.
 - (3) A woman's right to terminate a pregnancy ends when the pregnancy is terminated. The right to an abortion has never been legally or morally equated to the "right to a dead child."
 - (4) It is not an infringement on a woman's right to terminate her pregnancy for this State to assert its interest in protecting an infant whose live birth occurred as the result of an [attempted] abortion.
 - (5) Without proper legal protection, newly-born infants who survive [attempted] abortions have been denied proper life-saving or life-sustaining medical treatment and left to die.
- (b) Accordingly, it is the purpose of this Act to ensure the protection and promotion of the health and well-being of all infants born alive in this State. Therefore, this Act mandates that healthcare providers give medically-appropriate and reasonable life-saving and life-sustaining medical care and treatment to all born-alive infants.

Section 3. Definitions.

For the purposes of this Act only:

Defending

EXHIBIT

D

NGAD 800-631-6368

(a) “**Abortion**” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically-diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:

- (1) save the life or preserve the health of an unborn child;
- (2) remove a dead unborn child caused by spontaneous abortion; or
- (3) remove an ectopic pregnancy.

(b) “**Born alive**” or “**live birth**” means the complete expulsion or extraction of an infant from his or her mother, regardless of the state of gestational development, that, after expulsion or extraction, whether or not the umbilical cord has been cut or the placenta is attached, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion, shows any evidence of life, including, but not limited to, one or more of the following:

- (1) Breathing;
- (2) A heartbeat;
- (3) Umbilical cord pulsation; or
- (4) Definite movement of voluntary muscles.

(c) “**Consent**” means knowledge of and explicit or implicit agreement to or instruction to perform a violation of this Act.

(d) “**Facility**” or “**medical facility**” means any public or private hospital, clinic, center, medical school, medical training institution, healthcare facility, physician’s office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

(e) “**Infant**” means a child of the species *homo sapiens* that has been completely expelled or extracted from its mother, regardless of the stage of gestational development, until the age of thirty (30) days post birth.

(f) “**Premature**” or “**preterm**” means occurring prior to the thirty-seventh (37th) week of gestation.

Section 4. Requirements and Responsibilities.

- (a) A person shall not deny or deprive an infant of nourishment with the intent to cause or allow the death of the infant for any reason including:
- (1) the infant was born with a handicap;
 - (2) the infant is not wanted by the parent(s) or guardian(s); or
 - (3) the infant is born alive by natural or artificial means.
- (b) A person shall not deprive an infant of medically-appropriate and reasonable medical care and treatment or surgical care.
- (c) The requirements of this Section shall not be construed to prevent an infant's parent(s) or guardian(s) from refusing to give consent to medical treatment or surgical care which is not medically necessary or reasonable, including care or treatment which either:
- (1) Is not necessary to save the life of the infant;
 - (2) Has a potential risk to the infant's life or health that outweighs the potential benefit to the infant of the treatment or care; or
 - (3) Is treatment that will do no more than temporarily prolong the act of dying when death is imminent.
- (d) The physician performing an abortion must take all medically-appropriate and reasonable steps to preserve the life and health of a born alive infant. If an abortion performed in a hospital results in a live birth, the physician attending the abortion shall provide immediate medical care to the infant, inform the mother of the live birth, and request transfer of the infant to a resident or on-duty or emergency care physician who shall provide medically-appropriate and reasonable medical care and treatment to the infant. If an abortion performed in a facility other than a hospital results in a live birth, a physician attending the abortion shall provide immediate medical care to the infant and call 9-1-1 for an emergency transfer of the infant to a hospital that shall provide medically-appropriate and reasonable care and treatment to the infant.
- (e) If the physician described in subsection (d) of this Section is unable to perform the duties in that paragraph because he is assisting the woman on whom the abortion was performed, then an attending physician's assistant, nurse, or other licensed healthcare provider must assume the duties outlined in subsection (d) of this Section.



(f) Any born-alive infant including one born in the course of an abortion procedure shall be treated as a legal person under the laws of this State, with the same rights to medically-appropriate care and treatment, and birth and death (if death occurs) certificates shall be issued accordingly.

(g) If, before the abortion, the mother, [*and if married, her husband,*] has [*or have*] stated in writing that she does [*or they do*] not wish to keep the infant in the event that the abortion results in a live birth, and this writing is not retracted before the [*attempted*] abortion, the infant, if born alive, shall immediately upon birth become a ward of [*Insert name of appropriate State child welfare department or agency*].

(h) No person may use any premature born-alive infant for any type of scientific research or other kind of experimentation except as necessary to protect or preserve the life and health of the premature born-alive infant.

[Optional: Section 5. Infanticide. *[Consider if the State's criminal code does not include the crime of infanticide or if the State does not wish to add another definition to the existing crime of infanticide.]*

(a) **"Infanticide"** means any deliberate act that:

- (1) *Is intended to kill an infant who has been born alive; and*
- (2) *That does kill such infant.*

(b) *Any physician, nurse, or other licensed healthcare provider who deliberately fails to provide medically-appropriate and reasonable care and treatment to a born-alive infant and, as a result of that failure, the infant dies, shall be guilty of the crime of infanticide.]*

Section [6]. Exceptions.

The mother will not be liable, criminally or civilly, for actions of a physician, nurse, or other licensed healthcare provider, in violation of this Act to which she did not give her consent.

Section [7]. Criminal Penalties.

(a) Any physician, nurse, or other licensed healthcare provider who knowingly and intentionally or negligently fails to provide medically-appropriate and reasonable care and treatment to a born-alive infant in the course of an [*attempted*] abortion shall be guilty of a [*Insert appropriate classification*] felony and upon conviction shall be fined an amount not

exceeding [Insert appropriate amount], or imprisoned not less than [Insert appropriate term] years and not exceeding [Insert appropriate term] years, or both.

[Optional (if Act includes Section on “Infanticide”): (b)] Any person found guilty of the crime of infanticide shall be fined an amount not exceeding [Insert appropriate amount], or imprisoned not less than [Insert appropriate term] years and not exceeding [Insert appropriate term] years, or both [or will be punished according to the sentencing guidelines found in the Criminal Code of [Insert name of State]].]

[(c)] Any violation of Section 4, paragraph (h) of this Act [concerning the research use of a born- alive infant] is a [Insert appropriate classification] felony and upon conviction shall be fined an amount not exceeding [Insert appropriate amount], or imprisoned not less than [Insert appropriate term] years and not exceeding [Insert appropriate term] years, or both.

Section [8]. Civil and Administrative Action.

In addition to whatever remedies are available under the common or statutory law of this State, failure to comply with the requirements of this Act shall:

- (a) Provide a basis for a civil action for compensatory and punitive damages. Any conviction under this Act shall be admissible in a civil suit as *prima facie* evidence of a failure to provide medically-appropriate and reasonable care and treatment to a born-alive infant. Any civil action may be based on a claim that the death of or injury to the born-alive infant was a result of simple negligence, gross negligence, wantonness, willfulness, intentional conduct, or another violation of the legal standard of care.
- (b) Provide a basis for professional disciplinary action under [Insert appropriate reference(s) to State statute(s) and/or administrative rules concerning State Medical Board’s oversight and review authority] for the suspension or revocation of any license for physicians, licensed and registered nurses, or other licensed or regulated persons. Any conviction of any person for any failure to comply with the requirements of this Act shall result in the automatic suspension of his or her license for a period of at least one (1) year [or other appropriate penalty] and shall be reinstated after that time only under such conditions as the [Insert reference(s) to appropriate regulatory or licensing body] shall require to ensure compliance with this Act.
- (c) Provide a basis for recovery for the parent(s) of the infant or the parent(s) or guardian(s) of the mother if the mother is a minor, for the wrongful death of the infant under [Insert reference(s) to State’s wrongful death statute(s)], whether or not the infant was viable at the time the [attempted] abortion was performed.

Section [9]. Construction.

- (a) Nothing in this Act shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being born alive, as defined in this Act.
- (b) Nothing in this Act shall be construed to affect existing federal or state law regarding abortion.
- (c) Nothing in this Act shall be construed as creating or recognizing a right to abortion.
- (d) Nothing in this Act shall be construed to alter generally-accepted medical standards.

Section [10]. Severability.

Further, any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable here from and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other dissimilar circumstances.

Section [11]. Right of Intervention.

The [Legislature], by joint resolution, may appoint one or more of its members, who sponsored or cosponsored this Act in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

Section [12]. Effective Date.

This Act takes effect on [Insert date].



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamilegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of

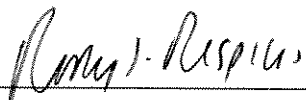
Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 195-32 (COR)** – “AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE “INFANT CHILD’S RIGHT TO LIFE ACT”; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.” –October 28, 2013. COR hereby certifies that BBMR confirmed receipt of this request on October 1, 2013 at 4:27 P.M.

COR further certifies that a response to this request was not received. Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 195-32 (COR) to be included in the committee report on said bill, is hereby waived.

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

10/28/13

Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

September 26, 2013

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 195-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 195-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Sí Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
195-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.	09/25/13 2:21 p.m.	09/26/13	Committee on the Guam U. S. Military Relocation, Homeland Security, Veterans's Affairs, and Judiciary			



FIRST NOTICE: One (1) Round Table & Two (2) Public Hearings on THURSDAY, 10 October 2013

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Wed, Oct 2, 2013 at 12:16 PM

To: phnotice@guamlegislature.org

Cc: Guam Legislature Clerks Office <clerks@guamlegislature.org>, mis@guamlegislature.org, sgtarms@guamlegislature.org

Bcc: "Frank Aguon Jr. Staff" <staff@frankaguonjr.com>, "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary" <committee@frankaguonjr.com>, Senator Aguon Legislative Policy <policy@frankaguonjr.com>, Senator Aguon Communications <media@frankaguonjr.com>, "e.winston ilicito" <ewinstoni@yahoo.com>, "Senator Frank B. Aguon, Jr." <aguon4guam@gmail.com>

October 2, 2013

MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: *FIRST NOTICE* of **Round Table** on Thursday, October 10, 2013 at **9:00AM**
FIRST NOTICE of **Public Hearing** on Thursday, October 10, 2013 at **2:00PM**
FIRST NOTICE of **Public Hearing** on Thursday, October 10, 2013 at **5:00PM**

Buenas yan Hala Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at *1 Liheslaturan Guåhan's* Public Hearing Room in Hagatña.

- **9:00AM Round Table Agenda:**

- Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

- **2:00PM Public Hearing Agenda:**

- **Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".
 - **Bill No. 188-32 (COR)** - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.
- **5:00PM Public Hearing Agenda:**
 - **Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guåhan's website at www.guamlegislature.com. Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to committee@frankaguonjr.com.

Si Yu'os Ma'ase!

cc: Clerks / MIS / Sgt.-at-Arms

—
Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

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4 attachments



AllSen_Memo.pdf


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Bill No. B161-32 (LS).pdf

178K

Bill No. B188-32 (COR).pdf

108K

 **Bill No. B195-32 (COR).pdf**
89K

Adam Bearce <adam@guamlegislature.org>

Wed, Oct 2, 2013 at 2:05 PM

To: "Office of Senator Frank Aguon, Jr. Admin" <admin@frankaguonjr.com>, Yong Pak <yong@guamlegislature.org>

Thanks. This is now posted.

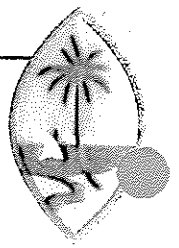
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COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

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Thomas C. Ada**
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Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtlaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

October 2, 2013

MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs
Homeland Security and Judiciary

SUBJECT: *FIRST NOTICE of Round Table* on Thursday, October 10, 2013 at 9:00AM
FIRST NOTICE of Public Hearing on Thursday, October 10, 2013 at 2:00PM
FIRST NOTICE of Public Hearing on Thursday, October 10, 2013 at 5:00PM

Buenas yan Hafa Adai!

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9:00AM Round Table Agenda:

Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

2:00PM Public Hearing Agenda:

Bill No. 161-32 (LS) - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at 1 Liheslaturan Guahan's website at www.guamlegislature.com. Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to committee@frankaguonjr.com.

Si Yu'os Ma'ase!

cc: Clerks / MIS / Sgt.-at-Arms

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM



SECOND NOTICE: One (1) Round Table & Two (2) Public Hearings on THURSDAY, 10 October 2013

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Mon, Oct 7, 2013 at 11:56 AM

To: phnotice@guamlegislature.org

Cc: Guam Legislature Clerks Office <clerks@guamlegislature.org>, mis@guamlegislature.org,

sgtarms@guamlegislature.org

Bcc: media@frankaguonjr.com

October 7, 2013

MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: **SECOND NOTICE of Round Table** on Thursday, October 10, 2013 at **9:00AM**
SECOND NOTICE of Public Hearing on Thursday, October 10, 2013 at **2:00PM**
SECOND NOTICE of Public Hearing on Thursday, October 10, 2013 at **5:00PM**

Buenas yan Hafa Adai!

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Si Yu'os Ma'ase!

cc: Clerks / MIS / Sgt.-at-Arms

—
Thanks!

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

Office of Senator Frank B. Aguon, Jr.

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

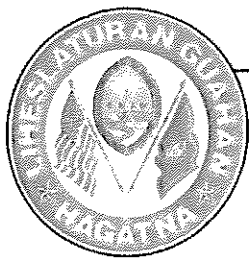
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COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 7, 2013

MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,
Homeland Security and Judiciary

SUBJECT: **SECOND NOTICE of Round Table** on Thursday, October 10, 2013 at 9:00AM
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Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

2:00PM Public Hearing Agenda:

Bill No. 161-32 (LS) - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

Bill No. 188-32 (COR) - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

5:00PM Public Hearing Agenda:

Bill No. 195-32 (COR) - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to committee@frankaguonjr.com.

Si Yu'os Ma'åse'!

cc: Clerks / MIS / Sgt.-at-Arms

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FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
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REMINDER: Round Table with the Judiciary of Guam & Public Hearings Tomorrow on Bill Nos. 161 & 188; 195

Senator Aguon Communications <media@frankaguonjr.com>

Wed, Oct 9, 2013 at 11:59 AM

To: Senator Aguon Communications <media@frankaguonjr.com>

Bcc: betsy@spbguam.com, Bob Gaeth <bgaeth@k57.com>, Clynt Ridgell <clynt@spbguam.com>, Coleen R San Nicolas-Perez <coleen.perez@fe.navy.mil>, David Crisostomo <dcrisost@guampdn.com>, Duane George <dmgeorge@guampdn.com>, Jon Anderson <editor@mvguam.com>, jon.calvo@mail.house.gov, Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>, Gerry Partido <gerry@mvguam.com>, Gerry Partido <gerrypartido@gmail.com>, "gina@mvguam.com" <gina@mvguam.com>, Stars & Stripes <Guam@pstripes.osd.mil>, Romeo Carlos <guamblog@ymail.com>, guamforum671@gmail.com, KUAM Tip Line <hottips@kuam.com>, Janela Buhain Carrera <janela@spbguam.com>, Jason Salas <jason@kuam.com>, Jesse Lujan <jessthebuzz@gmail.com>, JoAnna Delfin <joanna.delfin.ctr@fe.navy.mil>, John Davis <john@kuam.com>, Kelly Toves <kelly.toves@mail.house.gov>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, Louella Losinio <louella@mvguam.com>, mabuhaynews@yahoo.com, Bruce Lloyd <managingeditor@glimpsesofiguam.com>, Mar-Vic Cagurangan <mar_vic_cagurangan@yahoo.com>, Mindy Aguon <mindy@kuam.com>, Pacific Daily News <news@guampdn.com>, K57 <news@k57.com>, Sorensen <news@spbguam.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Patti Arroyo <parroyo@k57.com>, Alicia Perez <perezksto@gmail.com>, Maureen Maratita <publisher@glimpsesofiguam.com>, reporter1@glimpsesofiguam.com, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Shaina Santos <shaina.santos.ctr@fe.navy.mil>, Steve Limtiaco <slimtiaco@guampdn.com>, Travis Coffman <travis.coffman@gmail.com>, uogtritonscall@gmail.com, "Lt. William Knight" <william.knight@fe.navy.mil>, "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary" <committee@frankaguonjr.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, Senator Aguon Legislative Policy <policy@frankaguonjr.com>, Senator Aguon Staff <staff@frankaguonjr.com>, "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, ewmilicito@gmail.com

09 October 2013

MEDIA ADVISORY

Buenas yan Hála Adai!

Please be advised the Committee on Guam U.S. Military Relocation, Veterans' Affairs, Homeland Security and Judiciary will host three (3) legislative events tomorrow, 10 October 2013 in the Public Hearing Room of the Legislature Building.

9:00AM Agenda

Judiciary of Guam - Status report on the implementation of the Judiciary of Guam's strategic plan

2:00PM Agenda

Bill No. 161-32 (LS) - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

Bill No. 188-32 (COR) - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

5:00PM Agenda

Bill No. 195-32 (COR) - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or by email at committee@frankaguonjr.com.

The public hearing will be broadcasted on MCV Channel 13 or GUdTV Channel 21.

Si Yu'os Ma'åse'!

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Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

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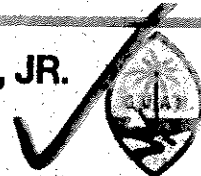
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Chairman, Committee on Guam US Military Relocation,
Homeland Security, Veterans Affairs and Judiciary
Mina Trentai Dos Na Liheslaturan Guahan / 32nd Guam Legislature



PUBLIC HEARING NOTICES -- To be held at Liheslaturan Guahan's Public Hearing Room

Judiciary of Guam Round Table - Thursday, October 10, 2013 at 9:00AM

Bill Nos. 161-32 & 188-32 - Thursday, October 10, 2013 at 2:00PM

"Infant Child's Right to Life Act" (Bill No. 195-32) - Thursday, October 10, 2013 at 5:00PM

"Anti-Sweepstakes Cafe" (Bill No. 192-32) - Tuesday, October 15, 2013 at 5:00PM

Quarterly Veterans Round Table - Thursday, October 15, 2013 at 6:00PM

PUBLIC HEARING NOTICE

THURSDAY - OCTOBER 10, 2013 at 9:00AM - Judiciary of Guam Round Table - Status report on the implementation of the Judiciary of Guam's strategic plan

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THURSDAY - OCTOBER 10, 2013 at 5:00PM - BILL NO. 195-32 (COR) - "INFANT CHILD'S RIGHT TO LIFE ACT" - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

TUESDAY - OCTOBER 15, 2013 at 5:00PM - BILL NO. 192-32 (COR) - "ANTI-SWEEPSTAKES CAFE" - An act to add a new § 64.15, § 64.16, and § 64.17 to Chapter 64 of Title 9 of the Guam Code Annotated; relative to the prohibition and forfeiture of electronic machines or devices to conduct sweepstakes gambling.

TUESDAY - OCTOBER 15, 2013 at 6:00PM - Quarterly Veterans Round Table

The public hearing will be broadcasted on MCV Channel 13 or GUMTV Channel 21. If you require any special accommodations, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM11/2 (4861/2) or e-mail committee@frankaguonjr.com. **This ad paid for with government funds**



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Homeland Security, Veterans Affairs and Judiciary
Mina' Trentai Dos Na Liheslaturan Guahan / 32nd Guam Legislature



PUBLIC HEARING NOTICES -- To be held at Liheslaturan Guahan's Public Hearing Room

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PUBLIC HEARING NOTICE

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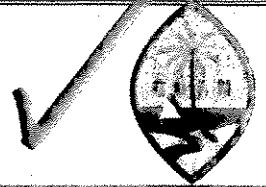
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PUBLIC HEARING NOTICES -- To be held at Liheslaturan Guahan's Public Hearing Room

Judiciary of Guam Round Table - Thursday, October 10, 2013 at 9:00AM

Bill Nos. 161-32 & 188-32 - Thursday, October 10, 2013 at 2:00PM

"Infant Child's Right to Life Act" (Bill No. 195-32) - Thursday, October 10, 2013 at 5:00PM

"Anti-Sweepstakes Cafe" (Bill No. 192-32) & "Carjacking" (Bill No. 202-32) - Tuesday, October 15, 2013 at 5:00PM

Quarterly Veterans Round Table - Thursday, October 15, 2013 at 6:00PM

THURSDAY - OCTOBER 10, 2013 at 9:00AM - Judiciary of Guam Round Table - Status report on the implementation of the Judiciary of Guam's strategic plan

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TUESDAY - OCTOBER 15, 2013 at 6:00PM - Quarterly Veterans Round Table

Public hearing will be broadcasted on MCV Channel 13 or GUDTV Channel 21. If you require any special accommodations, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2) or e-mail committee@frankaguonjr.com. *This ad paid for with government funds*



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**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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Thomas Morrison**
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October 2, 2013

The Honorable Edward J. Calvo
Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to governor@guam.gov

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
Public Hearing on Thursday, October 10, 2013 at 2:00PM
Public Hearing on Thursday, October 10, 2013 at 5:00PM

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table and Two (2) Public Hearings** on Thursday, October 10, 2013 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña.

9:00AM Round Table Agenda:

Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

2:00PM Public Hearing Agenda:

Bill No. 161-32 (LS) - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

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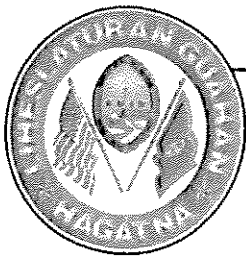
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Respectfully,


SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

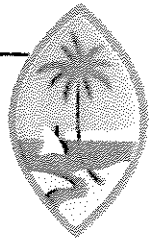
cc: Lieutenant Governor Raymond Tenorio
Elaine Gogue / Rose Ramsey / Joy Unpingco



COMMITTEE ON

GUAM U.S. MILITARY RELOCATION VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 2, 2013

Honorable Madeleine Z. Bordallo

Guam Delegate

GUAM DISTRICT OFFICE

Suite 107 Capitol Plaza

120 Father Dueñas Avenue

Hagåtña, Guam 96910

Sent via electronic email to andrew.tenorio@mail.house.gov

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
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Public Hearing on Thursday, October 10, 2013 at 5:00PM

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cc: Andrew Tenorio / Jon Calvo

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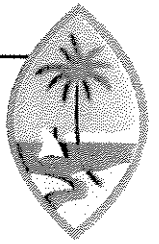
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COMMITTEE ON

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The Honorable F. Philip Carbullido
Chief Justice of the Judiciary of Guam
Suite 300, Guam Judicial Ctr.
120 West O' Brien Drive
Hagåtña, Guam 96910

Sent via email to fpcarbullido@quamsupremecourt.com

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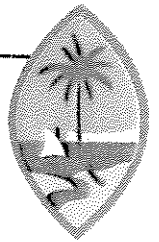
cc: Joshua Tenorio



COMMITTEE ON

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October 2, 2013

Ambrose Constantino
Advisor, Guam Homeland Security
2218 Chalan Palasyo
Agana Heights, Guam 96910
Sent via email to ambrosio.constantino@qhs.guam.gov

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October 2, 2013

James T. McDonald
Office of Civil Defense Administrator
221B Chalan Palasyo
Agana Heights, Guam
Sent via email to jim.mcdonald@ghs.guam.gov

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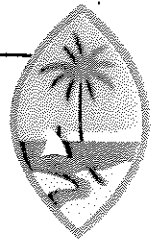
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October 2, 2013

The Honorable John Unpingco, Esq.
Administrator, Office of Veterans Affairs
172 S. Marine Corp Dr. Asan
P.O. Box 5178
Hagåtña, Guam 96932
Sent via email to john.unpingco@qvaog.guam.gov

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October 2, 2013

Mr. Mark Calvo
Special Assistant to Governor on Military Buildup & Infrastructure
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to mark.calvo@guam.gov

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October 2, 2013

Eric D. Miller
Public Defender Service Corporation
MVP Sinajana Commercial Bldg.,
Unit B 779 Route 4
Sinajana, Guam 96910
Sent via email to emiller@quampdsc.net

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October 2, 2013

Colonel Raffaele J.M. Sgambelluri
Chief of Guam Customs and Quarantine Agency
770 East Sunset Boulevard Airport Rd.
AB Won Pat, Guam 96913
Sent via email to Raffaele.sgambelluri@cga.guam.gov

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Respectfully,


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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE ON

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October 2, 2013

Pedro Leon Guerrero
Guam Customs & Quarantine Agency
770 East Sunset Boulevard Airport Rd.
AB Won Pat, Guam 96913
Sent via email to pedro.leonquerrero@cqa.guam.gov

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
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Committee Member

October 2, 2013

Attorney General Leonardo G. Rapadas
Office of the Attorney General
287 W. O'Brien Drive
Hagåtña, Guam 96910
Sent via email to law@guamag.org

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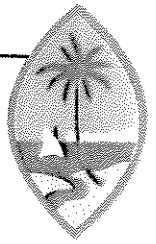
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
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Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

October 2, 2013

Celine Sanchez-Guzman
Army Retirees Association
Sent via email to celine.sanchez@us.army.mil

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PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM



COMMITTEE ON

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



October 2, 2013

Tony Guzman
Army Retirees Association
Sent via email to celine.sanchez@us.army.mil

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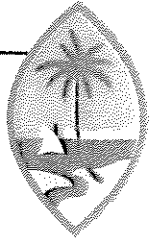
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October 2, 2013

Joseph San Nicolas
Dededo Veterans Organization
Sent via email to joe_kamudo@yahoo.com

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October 2, 2013

John Taitano

Military Order of the Purple Heart Chapter 787

Sent via email to jnbatulai@guam.net

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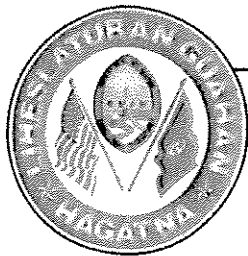
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October 2, 2013

Alan Van Aken
Third Marine Division Association
Sent via email to AGunner77@teleguam.net

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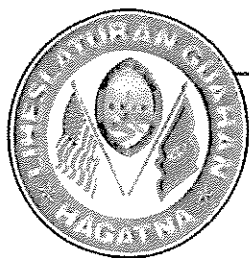
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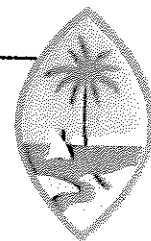
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October 2, 2013

Victor Ryan
American Legion
Sent via email to alegionguam@yahoo.com

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature

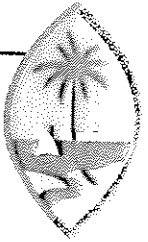
PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I Mina'trentai Dos Na Liheslaturan Guahan | 32ND GUAM LEGISLATURE



October 2, 2013

Tom Devlin

Military Order of the Purple Heart Chapter 1315

Sent via email to mophtd@ite.net

RE: Round Table on Thursday, October 10, 2013 at 9:00AM
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Public Hearing on Thursday, October 10, 2013 at 5:00PM

Buenas yan Hafa Adai!

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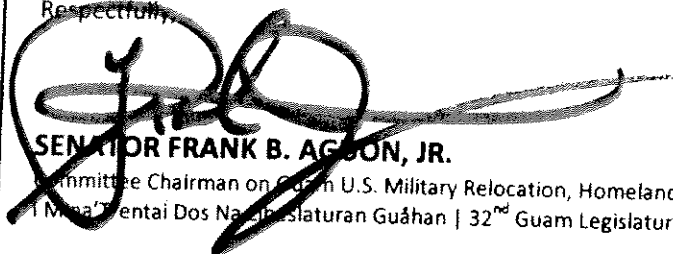
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October 2, 2013

Robert Hayes
Brotherhood of Veterans
Sent via email to alegionguam@yahoo.com

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Committee Member

**Senator
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October 2, 2013

Nancy T. Kuper
Commander for Chapter 43
Women Veterans of America
Sent via email to nancy.t.kuper.ctr@mail.com

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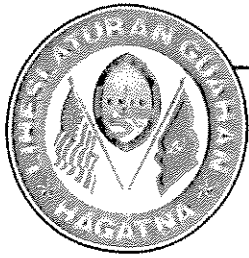
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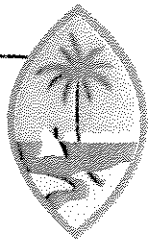
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**Senator
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October 2, 2013

Dan Perez
Barrigada Veterans Organization
Sent via email to jgrivera1949@ymail.com

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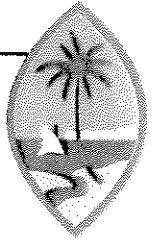
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Committee Member

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Thomas Morrison**
Committee Member

October 2, 2013

Dan Mendiola
Vietnam Veterans of America #668
Sent via email to dmendiola@teleguam.net

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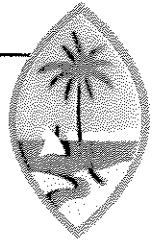
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I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



October 2, 2013

Bernard Gines
Philippine Scouts & World War II Association
Sent via email to edaycab@yahoo.com

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PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

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October 2, 2013

Albert Parke
Veterans of Guam Motorcycle Club
Sent via email to tsiguam@hotmail.com

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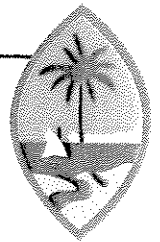
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October 2, 2013

Bobbie Taitano
Ladies Auxiliary – Military Order of the Purple Heart
Sent via email to inbatulai@guam.net

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Liheslaturan Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

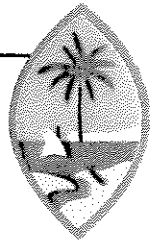
PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



**Senator
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**Senator
Michael Limtlaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

October 2, 2013

Brian Merenda
Veterans of Foreign Wars Post 1509
Sent via email to bimerenda@yahoo.com

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
Public Hearing on Thursday, October 10, 2013 at 2:00PM
Public Hearing on Thursday, October 10, 2013 at 5:00PM

Buenas yan Hafa Adai!

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**Senator
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Committee Member

October 2, 2013

John G. Rivera
Barrigada Veterans Organization
Sent via email to jgrivera1949@ymail.com

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
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**Senator
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Committee Member

**Senator
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Committee Member

October 2, 2013

Harold Kirk
Fleet Reserve Association BR 73
Sent via email to harold.kirk@med.navy.mil

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 2, 2013

George Perez

Chairman, Korean War Veterans Association
P.O. Box 26798
Barrigada, Guam 96921

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
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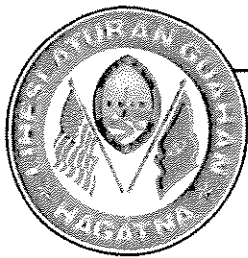
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October 2, 2013

Joyce Martratt
Fleet Reserve Association 73 Auxiliary
Sent via email to joyimar13@yahoo.com

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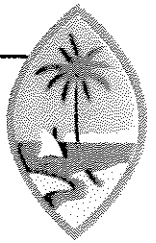
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I Mina Trentai Dos Na Liheslaturan Guåhan | 32ND GUAM LEGISLATURE



October 2, 2013

Bill Cundiff
Guam Veterans Commission
Guam U.S. Air Force Association
Sent via email to afcmsgt24@yahoo.com

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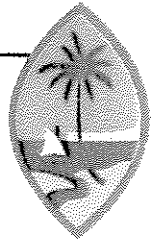
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**Senator
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Committee Member

**Senator
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Committee Member

October 2, 2013

Art Mesa
American Legion
Sent via email to varoguam1@yahoo.com

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October 2, 2013

Ray Baza
Guam Vietnamese American Association
Sent via email to jbazanaputi@gmail.com

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

Senator
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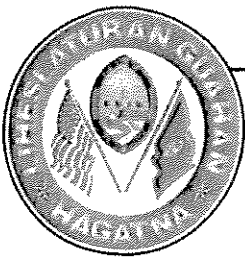
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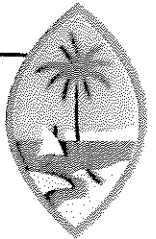
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COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I Mina'trentai Dos Na Liheslaturan Guåhan | 32ND GUAM LEGISLATURE



October 2, 2013

Connie Flores

Ladies Auxiliary Veterans for Women Post 1509

Sent via email to ritalynn_flores@yahoo.com

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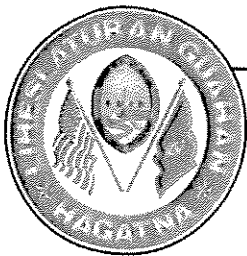
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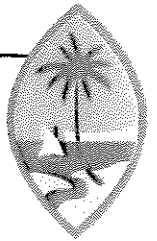
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Committee Member

October 2, 2013

Bill Bradford
Veterans of Foreign Wars Post 2917
Sent via email to wwbradford@live.com

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**Senator
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Committee Member

October 2, 2013

Gregorio Borja
U.S. Department of Veterans Affairs
VA Benefits Administration, Guam Benefits Office
Reflection Center Suite 202
222 Chalan Santo Papa
Hagåtña, Guam 96910
Sent via email to gregorio.a.borja@va.gov

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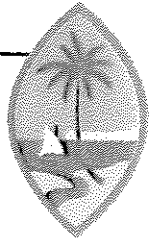
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October 2, 2013

Sarah Thomas Nededog
Vice President, WestCare Pacific Islands
545 Chalan San Antonio Suite 301
Tamuning, GU 96923
Sent via email to sarah.thomasnededog@westcare.com

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM
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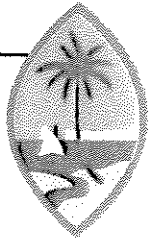
cc: Tony Nangauta / Carmelita Calvo



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**GUAM U.S. MILITARY RELOCATION
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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 2, 2013

Bernadette Santos
Guam Community-Based Outpatient Clinic
498 Chalan Palasyo
Agana Heights, GU 96910
Sent via email to bernadette.santos@va.gov

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cc: Francine Baleto

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October 2, 2013

Alwin Rafael
Guam Vet Center
Reflection Center Suite 102
222 Chalan Santo Papa
Hagåtña, Guam 96910
Sent via email to alwin.rafael@va.gov

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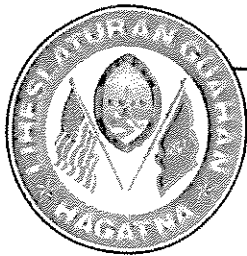
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October 2, 2013

Melissa M. McDaniel
Guam Veterans Magazine
137 North Leonardo Tenorio
Talofofo, Guam 96915
Sent via email to mel.mvision@gmail.com

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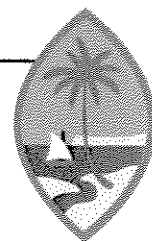
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**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respiclo**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtlaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

PUBLIC HEARING

October 10, 2013, Thursday at 5:00PM
I Liheslaturan Guahan's Public Hearing Room, Hagatna

AGENDA

- I. Call to Order**
- II. Opening remarks/Announcements**
- III. Items for discussion:**
 - **Bill No. 195-32 (COR)** – An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.
- IV. Closing Remarks**
- V. Adjournment**



FOR IMMEDIATE RELEASE: Senator Aguon's Statement Regarding Bill No. 195-32 (COR)

Senator Aguon Communications <media@frankaguonjr.com>

Wed, Sep 25, 2013 at 4:20 PM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary" <committee@frankaguonjr.com>, Senator Aguon Legislative Policy <policy@frankaguonjr.com>, Senator Aguon Staff <staff@frankaguonjr.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>

Wednesday, 25 September 2013

FOR IMMEDIATE RELEASE

**SENATOR FRANK B. AGUON JR. ISSUES A STATEMENT
REGARDING TODAY'S INTRODUCED LEGISLATION
BILL NO. 195-32 (COR) "INFANT CHILD'S RIGHT TO
LIFE ACT"**

Hagatna, GU – "During my tenure as a Senator, I have accepted the fact that my decisions and actions in the past had been influenced and directed away from my personal beliefs. As a man of my faith, it is my personal purpose to lend my voice to those who are voiceless and those who have been stripped of their fundamental right to life. Bill No. 195-32 (COR), "Infant Child's Right to Life Act", provides a voice to these children." Senator Aguon concludes, "I am deeply thankful to the authors of the original legislation and to all the staunch advocates for life."

*For your convenience, a copy of Bill No. 195-32 (COR) has been attached to this release.

For comments or questions regarding Senator Frank B. Aguon's statement, you may contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2(4861/2), or e-mail to aguon4guam@gmail.com.

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OFFICE OF SENATOR
FRANK B. AGUON, JR.
CHAIRMAN, COMMITTEE ON
GUAM U.S. MILITARY RELOCATION | HOMELAND SECURITY | VETERANS' AFFAIRS | JUDICIARY



Wednesday, 25 September 2013

FOR IMMEDIATE RELEASE

**SENATOR FRANK B. AGUON JR. ISSUES A STATEMENT
REGARDING TODAY'S INTRODUCED LEGISLATION
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Hagatna, GU – "During my tenure as a Senator, I have accepted the fact that my decisions and actions in the past had been influenced and directed away from my personal beliefs. As a man of my faith, it is my personal purpose to lend my voice to those who are voiceless and those who have been stripped of their fundamental right to life. Bill No. 195-32 (COR), "Infant Child's Right to Life Act", provides a voice to these children." Senator Aguon concludes, "I am deeply thankful to the authors of the original legislation and to all the staunch advocates for life."

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155 Hesler Place Hagatna, Guam 96910 | Email: aguon4guam@gmail.com

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'Born-alive' bill criticized, supported by residents

*Written by Jerick Sablan Pacific Daily News
Oct. 22, 2013 |*

guampdn.com

Lawmakers are scheduled to go into session next week, and Sen. Frank Aguon, Jr., D-Yona, said he hopes his abortion-related Bill 195 will be on the agenda.

The bill's committee report should be completed by today, he said.

It requires medical professionals to try to save the lives of babies born alive during abortion procedures or face homicide charges.

During its public hearing last week, Aguon's bill got mixed reviews.

Several women spoke against it, saying it was unnecessary and would take away a medical professional's discretion.

Meanwhile, supporters of the bill said it would give babies who survive an abortion a chance at life.

Lou Leon Guerrero, Bank of Guam president and former senator, said the "The Infant Child's Right to Life Act" diminishes the respect and confidence of medical professionals to do their jobs.

"By way of this bill you have taken away the discretion, the responsibility, the acumen and the judgment of that medical professional who is on the ground, experiencing the circumstances, and is more equipped to make the decisions," she said.

The bill would require infants who are still alive after an abortion procedure to get "reasonable and medically-appropriate" care. Failure to do so would mean anyone involved in the procedure could be guilty of criminal homicide.

Attorney Anita Arriola, who represents abortion providers and obstetrician-gynecologists whose actions would be affected by the bill, said it was unnecessary since federal and Guam law already protect live infants, whether or not they are born alive during an abortion.

She also said some provisions in the bill don't make sense.

Leon Guerrero said the bill would only deter professionals from working since they could face time in jail just for practicing their profession.

Tim Rohr, who leads the pro-life group The Esperanza Project, said the law is needed because Guam doesn't fall under the federal statute.

"Twenty-five states, so far, have seen fit to enact their own born-alive laws and the introduction of Bill 195-32 is an effort to do the same," he said.

Rohr said Leon Guerrero's assessment is incorrect because the bill only mandates there be

medically appropriate treatment, which leaves the control to the professionals.

He said it was only right that babies who have survived a "deadly" procedure should have a chance at life.



Lou Leon Guerrero, one of the prominent women leaders on the island, testified yesterday that Bill 195 may be unnecessary. Matt Weiss / Variety

Bill 195 gets some opposition in hearing

By Louella Losinio
louella@mvguam.com
Variety News Staff

BILL 195, or the Infant Child's Right to Life Act, was panned by some residents in a public hearing yesterday with medical and legal practitioners raising questions about the problematic provisions of the

proposed legislation.

Sen. Frank Aguon Jr.'s measure mandates that "healthcare providers give medically appropriate and reasonable life-sustaining medical care and treatment to all born-alive infants," including an infant whose live birth occurred as the result of an abortion.

"I am aware that there is always federal legislation that addresses the issue at hand, thus making this legislation unnecessary. As I read the bill, what was glaring to me is that you are now walking into the realm of medical practice that is not your area of expertise."

— Lou Leon Guerrero

BILL 195 continued on page 2

caused solely by his conduct. destruction of his cellular phone. them and against Adkins and Anciano and Artui did not have right to take photos.

Bill 195...

continued from page 1

According to the bill, "any physician, nurse, or other licensed healthcare provider who intentionally with premeditation, or intentionally, or knowingly, or recklessly, or by criminal negligence fails to provide reasonable and medically appropriate and reasonable care and treatment to an infant in the course of an abortion shall be guilty of a criminal homicide as defined in the law."

However, the mother "will not be liable, criminally or civilly, for actions of a physician, nurse, or other licensed healthcare provider, in violation of the act to which she did not give her consent."

Lou Leon Guerrero, one of the prominent women leaders on the island but speaking solely for herself, said the legislation may be unnecessary.

"I am aware that there is always federal legislation that addresses the issue at hand, thus

making this legislation unnecessary. As I read the bill, what was glaring to me is that you are now walking into the realm of medical practice that is not your area of expertise," Leon Guerrero told the senators.

She added: "By way of this bill, you have taken away the discretion, the responsibility, the acumen, and judgment of those medical professionals who is on the ground experiencing the circumstances and is more equipped to make a decision."

Affected

Attorney Anita Arriola started her testimony yesterday by saying she represents abortion providers and obstetrician-gynecologists whose criminal liability would be affected by the bill.

She said the measure is "unnecessary since Guam and federal law already protect born alive infants, whether or not they are born alive as a result of an abortion."

Arriola explained that Guam's criminal homicide law already exists and applies to an intentional or criminally negligent



Attorney Anita Arriola, left, said Bill 195 was unnecessary since Guam and federal law already protect born alive infants, whether or not they are born alive as a result of an abortion. (Matt Weiss / Variety)

death of a born alive infant. She said a federal law also exists — the Born Alive Infants Protection Act of 2002.

The federal legislation, according to Arriola, "extends legal protection to an infant born alive after a natural or induced labor, cesarean section, or induced abortion."

She said some provisions of Bill 195 also "do not make sense," adding the proposed legislation was copied word for word from a form issued by

the Americans United for Life with the addition of the provision on criminal homicide.

The problem with form legislation, she said, is that there is "no real thought or regard to whether the bill is understandable or whether it should apply to Guam."

Dr. Ellen Bez also provided her personal testimony and also spoke on behalf of Dr. Annie Bortallo.

Reading Bortallo's statement opposing Bill 195, Bez said: "The bill does not allow for any critical assessment before activating the emergency system and engaging resources we cannot afford to save infants that have no chance of survival."

At Guam Memorial Hospital, she said a review of the federal

statute that protects infants born alive regardless of gestational age or viability was undertaken and a policy governing their responsibilities to the newborn, the parents, and the community was agreed upon by the obstetrics and the pediatrics department.

"These physicians reviewed current medical data regarding survival rates and subsequent morbidity and determined a gestational age of 24 weeks and a weight of 500 grams as a threshold of viability, where resuscitation is mandated," she said.

By not including an assessment of viability in the bill, she said reasonable medical care cannot be defined.

"The sole purpose of this bill, it seems to be, is to set up criminal and civil penalties directed against doctors who provide these services to patients in need of them," according to Bortallo, adding, "It goes so far as to include a civil action of wrongful death when an infant, who cannot be saved by any medical intervention, dies."



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Esperanza Project backs Infant Child's Right to Life Act

Posted: Oct 10, 2013 6:29 PM

Updated: Oct 10, 2013 6:29 PM

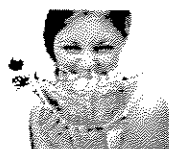
by [Mindy Aguon](#)

Guam - Late this afternoon, a public hearing was held for Senator Frank Aguon, Jr's Infant Child's Right to Life Act. Bill 195 recognizes a proposal introduced in a previous legislature that aimed to protect the life of a child who is brought into the world through the abortion process and upon extraction from the mother's womb is found to still be alive.

The Esperanza Project's Tim Rohr was in support of the measure saying nearly half of the U.S. states already have similar legislation. "So now we're giving it another try, we're saying at least, people of Guam at least care enough to pass a law that protects a child once its outside of the womb, it's a legal person, let's make sure that that child has normal medical treatment so that's good," he said.

Rohr hopes Aguon will introduce a companion measure similar to the Pain Capable Abortion Act that would make it illegal to perform an abortion after 20-weeks based on scientific data that the child in the womb at that stage can feel pain.

Governor Eddie Calvo had introduced similar legislation at the beginning of his term to establish the Unborn Child Act of 2011. If Bill 195 is enacted, any physician who intentionally or knowingly failed to provide reasonable and medically appropriate care and treatment in the course of an abortion shall be guilty of a criminal homicide.



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Lou LG: infant rights bill "diminishes medical profession"

Posted: Oct 11, 2013 6:37 PM

Updated: Oct 11, 2013 6:37 PM

by Ken Quintanilla

Guam - Just as The Esperanza Project expressed its support of the Infant Child's Right to Life Act, several others testified against the measure during Thursday's public hearing. Attorney Anita Arriola says Bill 195 is unnecessary as Guam and federal law already protect born alive infants whereas former senator, nurse and Bank of Guam president Lou Leon Guerrero says the bill diminishes the medical profession.

Arriola said, "Whenever you have more than one that applies and particularly a criminal law that applies to my clients, abortion providers and OB/GYNs, there's always going to be a concern that there's going to be conflict in the remedies, in the ways it's enforced and particularly in the definitions."

Leon Guerrero added, "By way of this bill you have taken away the discretion, the responsibility, and judgment of that medical professional who is on the ground, experiencing the circumstance and is more equipped to make the decision."



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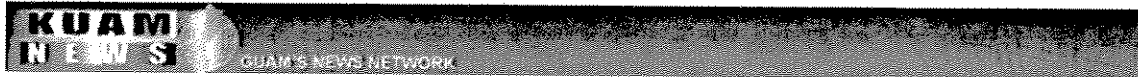
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Bills for carjacking, infants' right have public hearings

Posted: Oct 11, 2013 1:50 PM

Updated: Oct 11, 2013 1:50 PM

by [Mindy Aguon](#)

Guam - The Legislature will be accepting public comments on two measures on Tuesday evening. The first is Bill 192, also known as The Infant Child's Right to Life Act, that seeks to protect infants who are born alive as a result of an abortion. Lawmakers will also be accepting testimony Bill 202 that would stiffen the penalties for carjacking.

The public hearing begins at 5 o'clock Tuesday evening. That will be followed by a roundtable discussion on veteran affairs issues that will begin at 6.

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Bill creates Infant Child's Right to Life Act

Posted: Sep 25, 2013 5:29 PM

Updated: Sep 25, 2013 5:29 PM

by Ken Quintanilla

Guam - Senator Frank Aguon Jr. has introduced legislation establishing the Infant Child's Right to Life Act.

Bill 195 recognizes a proposal introduced in a previous legislature that aimed to protect the life of a child who is brought into the world through the abortion process and upon extraction from the mother's womb is found to still be alive.

Aguon's bill requires that in such cases that life must be recognized as a human being and must be extended the right to life. If enacted, any physician, nurse or other licensed healthcare provider who intentionally or knowingly fails to provide reasonable and medically appropriate care and treatment to an infant in the course of an abortion shall be guilty of a criminal homicide.

To read Bill 195 go to GuamLegislature.com.



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VIDEO: Esperansa Project Supports Pro-Life Measures Introduced This Week

Last Updated on Friday, 27 September 2013 12:56

Written by Betsy Brown

Thursday, 26 September 2013 16:10



Guam News - Guam News

Guam - Three anti-abortion measures introduced into the legislature this week have the support of the pro life group the Esperanza Project.

Democratic Senators Frank Aguon Jr and Dennis Rodriguez Monday introduced bills that would allow the Women's Reproductive Health Information Act to take effect. The act was signed into law on November 1st of last year but hasn't been implemented because of a provision that sets the effective date at 60 days after the printed materials have gone through the rules making process and been approved by Department of Public Health and Social Services.

Aguon's bill (191-32) deletes that section of the law all together while Rodriguez's (Bill 31-235) amends it to forgo the rules making process.

{youtube}beZmHigHSrM{youtube}

"I think amending is the more proper way to do it," Rodriguez told PNC. "Because then it still would come into effect if you look at the section four of existing law."

Rodriguez says he has talked with Senator Aguon about merging the two bills. Rodriguez's measure is scheduled for a public hearing on Friday October 4.

Esperansa member Tim Rohr is a long time supporter of the Women's Reproductive Health Information Act and accuses lawmakers in the 31st legislature of adding section 4 to keep the law from going into effect.

"The reason why they did that is because the election was within a few days and they wanted to appear pro life," Rohr said during an interview with PNC. "So they voted for the bill knowing that they could have tied up the bill indefinitely. And they would have, had we not persisted and it was quite a mess."

Rohr also supports another measure introduced by Senator Aguon this week. On Wednesday Aguon introduced the Infant Child's Right To Life Act as Bill 195-32. This legislation is similar to the federal Born Alive Act of 2002 requiring healthcare providers to give medically appropriate life saving care to infants born alive after an abortion procedure

Rohr couldn't say how often babies are born alive after an attempted abortion on Guam but says he is aware of babies being born alive and left to die.

"The fact that there are babies or have been babies who have been left to die or killed that we know of at least two that's enough to say no we're not going to tolerate that as a society," Rohr told PNC. "So lets get this bill passed."

A similar measure was introduced by then Senator Eddie Calvo in 2010 and was referred to the Committee On Health And Human Services which Aguon chaired at the time. There are no legislative records on the bill after the public hearing was scheduled.

Senator Aguon was not available for an interview today but a statement to the media yesterday explains his current position.

"During my tenure as a senator, I have accepted the fact that my decisions and actions in the past had been influenced and directed away from my personal beliefs. As a man of my faith, it is my personal purpose to lend my voice to those who are voiceless and those who have been stripped of their fundamental right to life. Bill No. 195-32 (COR), "Infant Child's Right to Life Act", provides a voice to these children." Senator Aguon concludes, *"I am deeply thankful to the authors of the original legislation and to all the staunch advocates for life."*

Rohr says seven senators have already committed to voting for legislation that would amend the Women's Reproductive Health Information Act. The Attorney General has issued an opinion stating that the printed materials required in the act do not constitute a rule or regulation.

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VIDEO: Rohr Supports Bill That Ensures Medical Care For Child That Survives Abortion, Says It'll Plug Loophole in Local Law

Last Updated on Tuesday, 15 October 2013 08:53

Written by Kevin Kerrigan

Monday, 14 October 2013 18:40



Guam News - Guam News

Guam - Esperansa Project member, Tim Rohr, submitted written testimony Monday in support of Senator Frank Aguon's Bill #195, a measure that would require a doctor to provide medical care to a child who survives a failed abortion.

Rohr says the bill would ensure that any child who survives an abortion, is afforded all of the life-saving protections that any other person would be entitled to.

[READ Rohr's testimony in support of Bill #195 HERE](#)

The actual public hearing on the measure took place last Thursday. And Rohr took issue with some of the testimony provided during that public hearing during which some said the bill is unnecessary, because federal law already protects children who survive abortions.

But Rohr disagrees saying it does not. And the legislation he maintains is necessary to plug the loop-hole.



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The Esperansa Project is a Guam based group made up of local citizens whose self-declared aim is to promote the enactment of pro-life legislation.





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Judiciary to present strategic plan status report in legislative meeting

THURSDAY, 10 OCT 2013 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 435



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THE Legislature's judicial committee will hold a roundtable discussion today with officials from the Judiciary of Guam.

Chief Justice F. Philip Carbullido is expected to present a status report on the progress made by the Judiciary in implementing the 2012-2015 Judiciary of Guam Strategic Plan.

The legislative committee, which is chaired by Sen. Frank Aguon Jr., will also host several public hearings in the afternoon.

At 2 p.m., the committee will tackle Aguon's Bill 161, an act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam or the Justice for Veterans Act of 2013.

Vice Speaker Benjamin Cruz and Sen. Aline Yamashita co-sponsored the bill which proposes the creation of a specialized veterans court program with the necessary flexibility to meet the specialized problems faced by veterans who come into contact with the criminal justice system.

Bill No. 188, introduced by Sen. Tina Muña-Barnes is also on the agenda this afternoon.

Also referred to as the Justice Safety Valve Act of 2013, the Vice Speaker co-sponsored the measure which seeks to authorize Guam judges "to depart below a statutory mandatory minimum sentence after finding that providing a particular defendant a shorter sentence will not jeopardize public safety."

At 5 p.m., only one measure will be discussed – Bill 195 or the Infant Child's Right to Life Act

Aguon's measure mandates that "healthcare providers give medically appropriate and reasonable life-sustaining medical care and treatment to all born-alive infants," including an infant whose live birth occurred as the result of an abortion.

CCDY

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Guam Memorial Hospital Authority
Medical Records Department
Abortion Report

COPY

Calendar Year: 2010

Patient's Age	Place of Residence	Prev. Preg	Type of Contraception	Facility	Family Planning Recommended
Younger than 13	0	0	69	0	BCP 178
13 - 17	12	1	42	219	Vasectomy 7
18 - 22	73	2	47	50	Tubal Ligation 78
23 - 27	68	3	40	269	Patch 0
28 - 32	48	4	29		Diaphragm 0
33 - 37	45	5	7		IUD 4
38 and Older	18	6	5		Hysterectomy 0
Not Provided	5	7	1		Abstinence 0
TOTAL	269	8	1		Condom 1
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Guam Memorial Hospital Authority
Medical Records Department
Abortion Report

COPY


Number of Previous Induced Abortions		Date of Last Induced Abortions	
0	177	None	177
1	60	1986	1
2	16	1991	1
3	8	1992	1
4	4	1999	3
5	0	2000	2
6	1	2002	4
7	2	2003	2
8	0	2004	3
9	0	2005	5
10	0	2006	11
Not Provided	1	2007	3
TOTAL	269	2008	16
		2009	31
		2010	6
Date of the Beginning of the Menstrual Period		Error in Entry (Noted as "Two")	1
0	1	NA	1
NA	1	Not Provided	1
None	1	TOTAL	269
Not Provided	4		
Oct. 2009	4		
Nov. 2009	18		
Dec. 2009	11		
Jan 2010	17		
Feb. 2010	15		
March 2010	21		
Apr. 2010	29		
May 2010	23		
June 2010	16		
Jul 2010	30		
Aug 2010	33		
Sept. 2010	20		
Oct 2010	18		
Nov. 2010	7		
TOTAL	269		

Calendar Year: 2010

Total Abortions Reported: 269

Date: April 4, 2011 Addendum to Jan 31, 2010

Submitted By: Sera Rios

Signature: 

Guam Memorial Hospital Authority
Medical Records Department
Partial-Birth Abortion Report
Calendar Year 2010

Calendar Year: 2010

Total Partial - Birth Abortions Reported: 0

Date: January 31, 2010

Submitted By: Sera Rios

Signature: 

COPY

Calendar Year: 2011-ADDENDUM

[illegible]

Guam Memorial Hospital Authority
Medical Records Department
Partial-Birth Abortion Report

COPY

Calendar Year: 2011

Total Partial Birth Abortions Reported: 0

Date: February 29, 2012

Statistics Collected By: Gertrude Blaz

Signature: 

Submitted By: Sera Rios

Signature: 

20

Calendar Year: 2012

[illegible]

Guam Memorial Hospital Authority
Medical Records Department
Partial-Birth Abortion Report

COPY

Calendar Year: 2012

Total Partial Birth Abortions Reported: 0

Date: February 1, 2013

Statistics Collected By: Gertrude Blaz

Signature: *Gertrude Blaz*

Submitted By: Sera Rios

Signature: *Sera Rios*

[107th Congress Public Law 207]

[From the U.S. Government Printing Office]

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[DOCID: f:publ207.107]

[[Page 116 STAT. 926]]

Public Law 107-207

107th Congress

An Act

To protect infants who are born alive. <<NOTE: Aug. 5, 2002 - [H.R. 2175]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress <<NOTE: Born-Alive Infants Protection Act of 2002.>> assembled,

SECTION 1. <<NOTE: 1 USC 1 note.>> SHORT TITLE.

This Act may be cited as the ``Born-Alive Infants Protection Act of 2002''.

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) In General.--Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

``Sec. 8. `Person', `human being', `child', and `individual' as including born-alive infant

``(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words `person', `human being', `child', and `individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

``(b) As used in this section, the term `born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

``(c) Nothing in this section shall be construed to affirm, deny,

expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being 'born alive' as defined in this section.''.
'

(b) Clerical Amendment.--The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

``8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.''.
''

Approved August 5, 2002.

LEGISLATIVE HISTORY--H.R. 2175:

HOUSE REPORTS: No. 107-186 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Mar. 12, considered and passed House.

July 18, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Aug. 5, Presidential remarks.

<all>

H. R. 2175

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To protect infants who are born alive.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Born-Alive Infants Protection Act of 2002”.

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

“§ 8. ‘Person’, ‘human being’, ‘child’, and ‘individual’ as including born-alive infant

“(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words ‘person’, ‘human being’, ‘child’, and ‘individual’, shall include every infant member of the species *homo sapiens* who is born alive at any stage of development.

“(b) As used in this section, the term ‘born alive’, with respect to a member of the species *homo sapiens*, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

“(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species *homo sapiens* at any point prior to being ‘born alive’ as defined in this section.”.

H. R. 2175—2

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

“8. ‘Person’, ‘human being’, ‘child’, and ‘individual’ as including born-alive infant.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Public Law 107-207
107th Congress

An Act

Aug. 5, 2002
[H.R. 2175]

To protect infants who are born alive.

Born-Alive
Infants
Protection Act of
2002.
1 USC 1 note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Born-Alive Infants Protection
Act of 2002”.

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code,
is amended by adding at the end the following:

“§ 8. ‘Person’, ‘human being’, ‘child’, and ‘individual’ as
including born-alive infant

“(a) In determining the meaning of any Act of Congress, or
of any ruling, regulation, or interpretation of the various adminis-
trative bureaus and agencies of the United States, the words ‘per-
son’, ‘human being’, ‘child’, and ‘individual’, shall include every
infant member of the species homo sapiens who is born alive at
any stage of development.

“(b) As used in this section, the term ‘born alive’, with respect
to a member of the species homo sapiens, means the complete
expulsion or extraction from his or her mother of that member,
at any stage of development, who after such expulsion or extraction
breathes or has a beating heart, pulsation of the umbilical cord,
or definite movement of voluntary muscles, regardless of whether
the umbilical cord has been cut, and regardless of whether the
expulsion or extraction occurs as a result of natural or induced
labor, cesarean section, or induced abortion.

“(c) Nothing in this section shall be construed to affirm, deny,
expand, or contract any legal status or legal right applicable to
any member of the species homo sapiens at any point prior to
being ‘born alive’ as defined in this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the begin-
ning of chapter 1 of title 1, United States Code, is amended by
adding at the end the following new item:

“8. ‘Person’, ‘human being’, ‘child’, and ‘individual’ as including born-alive infant.”.

Approved August 5, 2002.

LEGISLATIVE HISTORY—H.R. 2175:

HOUSE REPORTS: No. 107-186 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Mar. 12, considered and passed House.

July 18, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Aug. 5, Presidential remarks.

○

107TH CONGRESS
2D SESSION

H. R. 2175

AN ACT

To protect infants who are born alive.

107TH CONGRESS
2D SESSION

H. R. 2175

AN ACT

To protect infants who are born alive.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Born-Alive Infants
3 Protection Act of 2001”.

4 **SEC. 2. DEFINITION OF BORN-ALIVE INFANT.**

5 (a) IN GENERAL.—Chapter 1 of title 1, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 8. ‘Person’, ‘human being’, ‘child’, and ‘individual’**
9 **as including born-alive infant**

10 “(a) In determining the meaning of any Act of Con-
11 gress, or of any ruling, regulation, or interpretation of the
12 various administrative bureaus and agencies of the United
13 States, the words ‘person’, ‘human being’, ‘child’, and ‘in-
14 dividual’, shall include every infant member of the species
15 homo sapiens who is born alive at any stage of develop-
16 ment.

17 “(b) As used in this section, the term ‘born alive’,
18 with respect to a member of the species homo sapiens,
19 means the complete expulsion or extraction from his or
20 her mother of that member, at any stage of development,
21 who after such expulsion or extraction breathes or has a
22 beating heart, pulsation of the umbilical cord, or definite
23 movement of voluntary muscles, regardless of whether the
24 umbilical cord has been cut, and regardless of whether the
25 expulsion or extraction occurs as a result of natural or
26 induced labor, cesarean section, or induced abortion.

1 “(e) Nothing in this section shall be construed to af-
2 firm, deny, expand, or contract any legal status or legal
3 right applicable to any member of the species homo sapi-
4 ens at any point prior to being ‘born alive’ as defined in
5 this section.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 1 of title 1, United States
8 Code, is amended by adding at the end the following new
9 item:

“8. ‘Person’, ‘human being’, ‘child’, and ‘individual’ as including born-alive in-
fant.”.

Passed the House of Representatives March 12,
2002.

Attest:

Clerk.

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-12-25
Baltimore, Maryland 21244-1850



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-05-26

DATE: April 22, 2005

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Interaction of the Emergency Medical Treatment and Labor Act (EMTALA) and the Born-Alive Infants Protection Act of 2002

Letter Summary

- The Born-Alive Infants Protection Act of 2002 (Pub. L. 107-207) adds to the United States Code a definition of the term "individual" to include every infant who is born alive, at any stage of development; it also adds a definition of the term "born alive."
- The Emergency Medical Treatment and Labor Act (EMTALA) provides certain rights to "any individual" who comes to an emergency department and "any individual" who comes to a hospital. In particular, hospitals must provide an appropriate medical screening examination to any individual who comes to an emergency department, and either stabilizing treatment or an appropriate transfer for an individual who comes to a hospital and who is determined to have an emergency medical condition.
- **Attachment:** The attached Guidance provides direction to regional office and state survey agency personnel on how to apply EMTALA in investigations when the Born-Alive Infants Protection Act is potentially implicated.

The purpose of this memorandum is to provide guidance to regional office (RO) and state survey agency (SA) personnel regarding the enforcement of the Emergency Medical Treatment and Labor Act (EMTALA) during investigations of hospitals where the Born-Alive Infants Protection Act could be potentially implicated. It has recently come to the agency's attention that there may be occasions where, in hospitals, an infant may be born alive within the meaning of the definition added to the U.S. Code by the Born-Alive Infants Protection Act, but where hospitals have failed to comply with the requirements of EMTALA.

Under the Born-Alive Infants Protection Act, such an infant is defined as an “individual.” Since EMTALA provides protection to “individual[s],” RO and SA personnel conducting EMTALA investigations need to be aware of the interaction of both statutes in order to appropriately comply with their obligations to conduct EMTALA surveys. This memorandum provides guidance on the interaction of the two statutes.

Background

Congress enacted EMTALA to ensure public access to emergency services, regardless of ability to pay. Section 1867 of the Social Security Act imposes specific obligations on Medicare-participating hospitals that offer emergency services to provide a medical screening examination (MSE) when an individual comes to the emergency department and a request is made for examination or treatment for a medical condition, including active labor, regardless of an individual’s ability to pay. In addition, when an individual comes to a hospital, and the hospital determines that the individual has an emergency medical condition, the hospital is required to provide either stabilizing treatment within its capabilities, or to effect an appropriate transfer. If a hospital is unable to stabilize an individual with an emergency medical condition within its capability, or if the individual requests, an appropriate transfer should be implemented.

To help promote consistent application of the regulations concerning the special responsibilities of Medicare-participating hospitals in emergency cases, the Centers for Medicare & Medicaid Services (CMS) has occasionally published regulations clarifying hospitals’ responsibilities and obligations under EMTALA. Most recently, in September of 2003, CMS published such regulations. Shortly after those regulations became effective, we issued revised Interpretive Guidelines to implement those regulations. We also amended our State Operations Manual to incorporate the new regulations. From time to time, we also issue guidance to surveyors to use when conducting an investigation and assessing a hospital’s compliance with EMTALA.

Effective Date: Immediately. Please orient surveyors and implement procedures to ensure that the information in this memorandum is operational within 60 days.

Training: This information should be distributed to all survey and certification staff, their managers, and the state/RO training coordinators.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management

Attachment

Attachment

GUIDANCE ON THE INTERACTION OF THE BORN-ALIVE INFANTS PROTECTION ACT AND EMTALA

Summary of the Born-Alive Infants Protection Act

The Born-Alive Infants Protection Act, Pub. L. 107-207, amended title 1 of the United States Code by defining the terms “person,” “human being,” “child,” and “individual.” In particular, the statute instructs that,

[i]n determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words “person”, “human being”, “child”, and “individual”, shall include every infant member of the species homo sapiens who is born alive at any stage of development.

1 U.S.C. § 8(a).

The statute goes on to define the term “born alive” with respect to the species homo sapiens, as any member of that species expelled or extracted

from his or her mother ... at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section or induced abortion.

1 U.S.C. § 8(b).

Summary of the Emergency Medical Treatment and Labor Act (EMTALA)

The EMTALA statute is codified at section 1867 of the Social Security Act, 42 U.S.C. § 1395dd. Hospitals and physicians generally have three obligations under EMTALA. The first is commonly referred to as the screening requirement, and applies to any individual who comes to the emergency department of a hospital and for whom a request is made for examination or treatment for a medical condition. Such an individual is entitled to have a medical screening examination to determine whether or not an emergency medical condition exists. The second is commonly referred to as the stabilization requirement, and applies to any individual who comes to the hospital and whom the hospital determines has an emergency medical condition. Such an individual is entitled to stabilizing treatment within the capability of the hospital. The third obligation flows from the second, and also applies to any individual in a hospital with an

emergency medical condition. This obligation is sometimes known as the transfer requirement, and restricts the ability of the hospital to transfer that individual to another hospital unless the individual is stabilized. If the individual is not stabilized, they may only be transferred if the individual requests the transfer or if the medical benefits of the transfer outweigh the risks.

In addition to the basic requirements of EMTALA, the statute contains “whistleblower” protection. In particular, section 1867(i) of the Act prohibits a hospital from taking adverse action against an employee because the employee reports a violation of the section. EMTALA is enforced by penalties that can be imposed against the hospital in an amount up to \$50,000 per violation (\$25,000 per violation in the case of a hospital with less than 100 beds); hospitals that violate EMTALA also put their Medicare provider agreements at risk. A physician that violates EMTALA is subject to a penalty of \$50,000 per violation and, if the violation is gross or flagrant, or repeated, to exclusion from the Medicare and Medicaid programs. In addition, EMTALA can be enforced by a private right of action brought in the U.S. District Courts by any individual harmed as a direct result of an EMTALA violation by a hospital.

The 2003 regulations included some modifications and clarifications to hospitals’ responsibilities and obligations under EMTALA. For example, the regulations clarified the screening requirement and made clear that it applied to any individual who presented to an area of the hospital that met the definition of a “dedicated emergency department” and made a request for a medical screening examination. The regulation defined dedicated emergency department as the area of the hospital that met any one of three tests: that it is licensed by the state as an emergency department; that it held itself out to the public as providing emergency care; or that during the preceding calendar year, at least one-third of its outpatient visits were for the treatment of emergency medical conditions. The preamble to the regulation noted that it is possible that the labor and delivery department of a hospital could meet the definition of dedicated emergency department. (See 68 Fed. Reg. at 53229 (September 9, 2003)).

The regulation also clarified other circumstances in which the screening requirement may apply. For example, an individual who comes to certain locations on the hospital’s campus, but not to the dedicated emergency department, is entitled to the protection of EMTALA in certain circumstances. In particular, if the individual comes to the hospital and makes request for examination or treatment for an emergency medical condition, then the screening requirement will apply. If the individual does not make a verbal request, but a prudent layperson observer would conclude, based on the person’s appearance or behavior, that the person needed emergency examination or treatment, the screening requirement also applies.

In addition, the regulation also clarified the application of EMTALA with respect to inpatients. Prior to the issuance of the regulations, CMS had never made clear whether EMTALA applied to inpatients. With the new regulations, as codified at 42 C.F.R. § 489.24(d)(2), it is clear that EMTALA does not apply to inpatients, whether admitted after the individual has been admitted through the emergency department or whether the individual has been admitted for an elective procedure.

Notably, the regulations retained an earlier requirement that any individual (whether or not that

individual is a Medicare beneficiary) who comes to the hospital and who is determined to have an emergency medical condition is protected by both the stabilization requirement and the transfer requirement if the individual is not admitted. (See 42 C.F.R. § 489.24(d)(1)). The retention of this requirement meant that CMS continued to intend for hospitals to stabilize any individual (or to meet the applicable transfer requirements for any individual) who has not been admitted as an inpatient, but who is determined by the hospital to have an emergency medical condition. The preamble to the regulation also notes that it would be a violation of EMTALA to admit an individual to the hospital in a bad faith attempt to evade EMTALA obligations.

The preamble to the regulation also noted that even though EMTALA does not apply to inpatients, hospitals were still bound by the Medicare conditions of participation (CoPs) to provide appropriate care to inpatients. In particular, the preamble noted four CoPs that are potentially applicable when a hospital provides treatment for an admitted patient. For example, hospital governing bodies must ensure that the hospital medical staff has written policies and procedures for appraisal of inpatients who develop an acute medical condition while admitted. The preamble also notes the discharge planning CoP, which requires that hospitals have a discharge planning process that applies to all patients. Hospitals must also have an organized medical staff that is responsible to the hospital's governing body for the quality of medical care provided to patients. Finally, the hospital governing body must ensure that the hospital has an organization-wide quality assessment and performance improvement program to evaluate the provision of patient care. These CoPs are intended to protect patient health and safety, and to ensure that high quality medical care is provided to all patients. Failure to meet these CoPs could result in a finding of noncompliance at the condition level for the hospital and lead to termination of the hospital's Medicare provider agreement.

Interaction of the Born-Alive Infant Protection Act and EMTALA

With the definition of the terms "person" and "individual" codified at 1 U.S.C. § 8, it is clear that there may be some circumstances where EMTALA protections can attach to an infant who is born alive, as that term is defined in 1 U.S.C. § 8(b). For example, assume that a hospital's labor and delivery department meets the definition of a "dedicated emergency department" under the new regulations. If an infant were born alive (again, as that term is defined in 1 U.S.C. § 8(b)) in that dedicated emergency department, and a request were made on that infant's behalf for screening for a medical condition, (or if a prudent layperson would conclude, based on the infant's appearance or behavior, that the infant needed examination or treatment for an emergency medical condition and that a request would have been made for screening) the hospital and physician could be liable for violating EMTALA for failure to provide such a screening examination. This follows because the born-alive infant is a "person" and an "individual" under 1 U.S.C. § 8(a), and the screening requirement of EMTALA applies to "any individual" who comes to the emergency department.

Another example could occur were an infant to be born alive elsewhere on the hospital's campus (i.e., not in the hospital's dedicated emergency department) and a prudent layperson observer

concluded, based on the born-alive infant's appearance or behavior, that the born-alive infant were suffering from an emergency medical condition. In such a circumstance, the hospital and its medical staff would be required to perform a medical screening examination on that born-alive infant to determine whether or not an emergency medical condition existed. If the hospital or its medical staff determined that the born-alive infant were suffering from an emergency medical condition, there would then arise an obligation to admit the infant, or to comply with either the stabilization requirement or the transfer requirement, or risk a finding of an EMTALA violation. This follows because the born-alive infant is a "person" and an "individual," as described above, and the stabilization and transfer requirements of EMTALA apply to "any individual" who comes to the hospital.

Finally, a third example could occur if the hospital were to admit a born-alive infant. As noted above, EMTALA does not apply to inpatients. Were an infant born alive and then admitted to the hospital, EMTALA would not apply to protect the infant in most circumstances. However, the CoPs described above clearly would apply to the infant once he or she was admitted to the hospital as an inpatient. If a hospital were to violate those CoPs, it would put at risk its Medicare provider agreement.

Conduct of Investigations

EMTALA is a complaint-driven statute. If you receive a complaint that suggests that a born-alive infant has been denied a screening examination, stabilizing treatment, or an appropriate transfer, you should treat that complaint as potentially triggering an EMTALA investigation of the hospital. Note that it is not necessary to determine that the hospital acted with an improper motive in any failure to provide a screening examination, stabilizing treatment, or an appropriate transfer in order to conclude that an EMTALA violation has occurred. The Supreme Court of the United States has held that a finding of improper motive is not required to conclude that an EMTALA violation has occurred.

COMMENTARY : ABORTION

Disproven: The Myth of Infants 'Born Alive' After Abortions



by Andrea Grimes, Senior Political Reporter, RH Reality Check
and Sharona Coutts, Director of Investigations and Research, RH Reality Check
August 22, 2013 - 11:05 am

See other pieces from *RH Reality Check's* State of Abortion series [here](#).

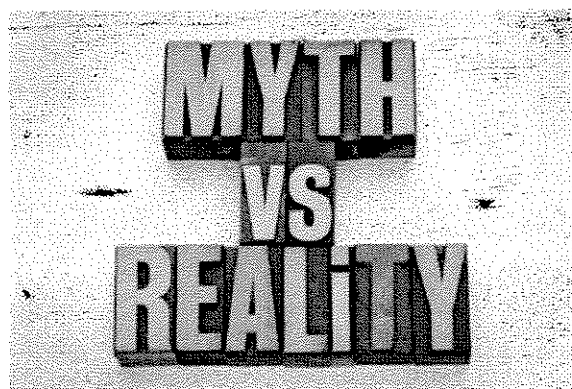
Review the database of state documents collected and analyzed by *RH Reality Check* [here](#).

Are states harboring untold scores of Kermit Gosnell clones that are murdering aborted, but still living, fetuses in clinics across the country? In its letter to state attorneys general nationwide, the House Judiciary Committee seems to think so, taking at face value the anti-choice bogeyman of the soulless abortion doctor, slaughtering newborns in clinics across the country with nary a second thought.

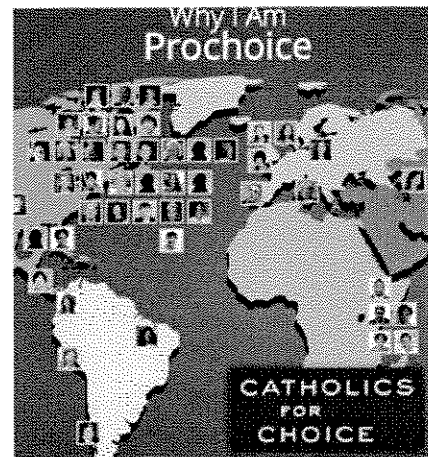
The committee sent letters to all 50 state attorneys general, inquiring about criminal prosecutions related to abortion. The letters specifically cite the Born-Alive Infants Protection Act, a 2002 federal law "which provides that all federal protections for persons apply to every infant born alive." It asked state attorneys general whether "prosecutors in your state treat the deliberate killing of newborns, including those newborns who were delivered alive in the process of abortions, as a criminal offense?" and requested that state officials provide a log of cases for the years 2008 to 2013 in which the act has been used in prosecutions.

The answers provided by states show that Gosnell was, in fact, a rogue provider, and that there is no evidence of a pattern of infants being "born alive" after an abortion, much less of doctors killing infants in those circumstances. (Pennsylvania's attorney general told *RH Reality Check* that it did not have a copy of what it had sent to the House Judiciary Committee, or whether it had in fact replied to the committee's inquiry.)

In responses from 38 attorneys general to date, not one AG office provided evidence that it has ever had cause to prosecute a physician for delivering and then killing a viable fetus, indicating that this notion—that there are multiple cases of fetuses surviving an abortion, only to be killed by a doctor—is a confection of the anti-choice camp, designed to replace fact-based arguments



Based on the evidence provided by states themselves, it is more than a little misleading for the House Judiciary Committee to suggest that newborn children are being murdered by abortion providers with regularity and abandon; it is myth-making and fear-mongering. (*Myth versus reality via Shutterstock*)



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with the lowest form of fear-mongering.

Many of the responses from the attorneys general sound much like this one, from the Utah attorney general:

We did not find any cases in which a person was prosecuted for the deliberate killing of a newborn who was delivered alive in the process of an abortion. Similarly, prosecutors did not indicate that they had prosecuted any cases because a woman died or suffered serious complications as a result of an abortion. Finally, we did not find any cases in which a person was prosecuted for performing abortions after the statutory period.

RH Reality Check has posted the responses from the attorneys general as part of our State of Abortion series. Our analysis of those responses shows that abortion is highly regulated and overwhelmingly safe. These findings hammer home the point that Pennsylvania's Kermit Gosnell was an outlier. He has been convicted of first-degree murder and involuntary manslaughter, and has pleaded guilty to federal drug charges. He has been sentenced to life in prison without parole.

The uniformity of responses from state attorneys general on the question of so-called born-alive infants reflects the reality of the practice of legal abortion in the United States: 88 percent of legal abortions performed happen before 12 weeks' gestation, according to the Guttmacher Institute, and well over 90 percent in the first 14 weeks. That reality is nothing like the nightmarish hyperbole put forward by the anti-choice movement.

When later abortions do occur, they can hardly be called "elective." As Willie Parker, a Washington, D.C.-based doctor who provides later abortions, told the *Washington Post* last year, his patients come to him under "difficult circumstances," with fetal genetic anomalies or in extreme poverty.

Vicki Saporta, president of the National Abortion Federation, a professional organization of voluntarily self-regulating abortion providers nationwide, told *RH Reality Check* that evidence of "born-alive" infants killed by abortion providers is "not what anybody's going to find."

"This is not the standard of care or practice," she said. "This is not what takes place at abortion clinics throughout the country."

In fact, when individuals are prosecuted for the killing of newborns under the Born-Alive Infants Protection Act and state laws that mirror it, attorneys general report that they are parents, not physicians.

Michigan, for example, cited four cases of criminal prosecutions in the murder of a newborn child, all of which involved women who had recently given birth and asphyxiated, suffocated, or drowned a newborn..

In its response, the Idaho attorney general cites the tragic case of Jennie Linn McCormack, a woman who ordered medical abortion pills online in 2011 because she could not access or afford safe, legal abortion near her home, then used the pills to abort a non-viable fetus. Her case was ultimately dismissed.

But this question of "born-alive" infants after abortion has become a particular favorite among right-wing lawmakers looking to trap reproductive rights activists into advocating for murder.

During a state committee hearing in Florida earlier this year, anti-choice legislators ambushed a Planned Parenthood lobbyist with a "born alive" inquiry. Lawmakers asked her to consider a

Peklo



Furloughed? Frustrated? How About a Free Vibrator? by Martha Kempner



Advocacy Group Seeks Immediate Release of Involuntarily Detained Pregnant Woman by Jessica Mason Peklo



Better Birth Control for Men: 8 Promising Possibilities by Valerie Tarico



Why Adoption Needs to Play a Bigger Role in the Reproductive Justice Conversation by Andrea Grimes



Should a 13-Year-Old and Her 12-Year-Old Partner Really Be Considered Sex Offenders? by Martha Kempner



Porn Stars Will Head Back to Work With New Rules and No Condom Law by Martha Kempner



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By Withholding the Medicaid Expansion, Republicans Will Keep the Unintended Pregnancy Rate High by Amanda Marcotte

RH Wire

NGO to monitor progress on maternal health -- GhanaWeb

Gay marriage stirs little public outcry in NM -- Denver Post

Taylorsville teacher suspended for showing class rap video about gay marriage -- Charlotte Observer

Should fetal alcohol disorder be classed a disability? -- ABC Online

Taking Medication? Stay on Top of Birth Control -- Care2.com

Breaking silence on ovarian cancer -- Seacoastonline.com

The secret history of gay marriage -- Salon

Surprise: Anti-Abortion & Anti Gay-Marriage Groups Are Uniting to Donate Lots ... -- Village Voice (blog)

Judge orders New Mexico county to issue same-sex marriage licenses -- Al Jazeera America

situation that is very real in terms of the crimes committed by Kermit Gosnell, but wildly hypothetical in the typical day-to-day practice of safe, legal abortion care as it is currently practiced in the United States. Flummoxed, the lobbyist struggled to answer questions that were largely based on a myth.

Responses both from states that heavily regulate abortion providers and abortion as a procedure—as South Dakota does—and states that place very few restrictions on either—as is the case in Vermont—are very much the same: They do not have cause to believe that their abortion providers are committing Gosnell-like atrocities, either rarely or with frequency.

Of course, as we receive more responses from state attorneys general, additional cases may come to light. For instance, a Florida doctor, James Scott Pendergraft IV, was subject to a \$37 million judgment after one of his patients went into labor and delivered a daughter, in November 2001. The child survived, but “suffered catastrophic and permanent bodily injuries, impairment, disability, [and] disfigurement,” according to news accounts of the court documents. Many of these injuries were a result of her being born prematurely, at around 23.3 weeks. A pregnancy is generally considered full-term at 37 weeks.

Neither Pendergraft nor the other physician at the clinic had personally examined or assessed the patient, according to court documents, and her pregnancy was several weeks more advanced than she reportedly knew.

The Florida Board of Medicine has disciplined Pendergraft on numerous occasions. In 2007, it suspended Pendergraft’s medical license, and fined him \$10,000 for allegedly performing an illegal third-trimester abortion. We are awaiting a copy of the Florida attorney general’s response to the committee, and will post it when it is received.

But even this case underscores the point: Instances of illegal providers can be found, but they are extraordinarily rare. And horrific as those cases may be, these two examples do not support any claims of a pattern of such cases throughout the United States.

Based on the evidence provided by states themselves, it is more than a little misleading for the House Judiciary Committee to suggest that newborn children are being murdered by abortion providers with regularity and abandon; it is the very myth-making and fear-mongering on which they increasingly rely in their push to eliminate safe abortion care.

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26 comments

★ 1



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What the...I thought every neonate born at 23 weeks went on to be a Nobel Prize winner/star athlete/supermodell

27 • | • Reply • Share •

Avatar Alex Hunter • 2 months ago

Nup. Only the ones who don't get the chance to live.

27 • | • Reply • Share •

Avatar jejune • 2 months ago

Hey Alex, I remember you from LAN. You are a great poster! Fiona and I were banned, after which Roger (who is really quite proud of his stupid book) and that Andrew homeschooled teenager came back and thought they 'owned' us with their superior logic.

27 • | • Reply • Share •

Avatar Liya • 2 months ago

LOL you&Fiona= double trouble.I was banned from my share of religious internets, but God be my witness, seeing fundie religious kooks coming outta the woodwork was always worth it.

There was a story told onstage at some musical/religious BibleBelt-ish event, "Family Fest" or whatnot, Xtian rednecks ate it up cheering like nuts. About a -literally -kidney bean size baby surviving in a Petri dish and later becoming a pastor, amen!

I looked it up - that's the size of a 8 week post conception, it looks like a fish, the head making about half of the fetus body. Well,I do know a few pastors that still live in a Petri dish and maintain the same head/to body size ratio, so maybe...

27 • | • Reply • Share •

Avatar fiona64 • 2 months ago

According to one anti-choice nutter, Valde and I are the same person. It really is absurd.

This is a great resource. RTW: <http://www.dot-exploratorium dot>

<http://www.realitycheck.org/article/2013/08/22/disproven-the-myth-of-infants-born-alive-after-abortions/>
edu/exhibits/embryo/embryooflash.html

The majority of anti-choicers are woefully ignorant of biology and have no idea how similar the embryos of different viviparous vertebrates really look at comparable stages of development. The majority of people, in my experience, pick the skink -- because they think it looks most human.

Most anti-choicers, BTW, just crow "the one with human parents" rather than admit that they got it wrong, LOL.

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Liya → [500864](#) • 2 months ago

If that's the case, you have 2 sets of hands, typing different large texts simultaneously (I saw you posting within few seconds of each other as well as other indicators show the accusation is bull - as a database developer, it made me professionally curious, re: duplicate date sources). Well, I often stand for minority (gay) rights, so I am usually accused of being gay & male

Neat page, thanks. I chose skink, too.

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HellMary1 → [1198](#) • 2 months ago

That would make one funny scary movie spoofing the fetal idolaters! -- their adult-sized pastor literally has a giant fetal fish face because he survived birth at two months and requires the human sacrifice of virgins to continue surviving.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942

Page 1 of 1

..... Interesting. Thanks for the info.

Recht: Strafrecht

..... Burned? By salt water?

Realty Share:

<http://www.abortionno.org/abortion-photos/verifying-photograph-authenticity/>

haHAHAHA

Their fee-fees are upset because pro-choicers have dared to question the authenticity of the images. The thing is, just because one of their buddies has verified that the photo was taken by him, or that it is of a dead fetus, is *meaningless*. And especially in the case of late term stuff, how do we know they just aren't using a pic of a stillborn.

Reddy, Suresh

I use to work for a publishing firm that published catholic news weeklies. I was really disgusted by the religious wingnuts who felt it was ok to place flyers in their paper with photos of aborted fetuses. I don't mind people who use shock values to get their message out there, (even if they are crazy) but when you put cr*p like that in a place where children can see it they need to be arrested, not the Dr's who are performing a LEGAL service. These idiots are trying to set back women's rights a couple of hundred years.

Reply: Sincere:

Saying that the Gosnell situation was about abortion in any way other than coincidentally--he was drugging women and causing them to give birth, not dealing with the impact of abortions that just hadn't worked or something, from the reports I've seen so far?

On the whole, the medical community needs to be better regulated and better supervised. ON THE WHOLE. Not just one little corner of it. With regulations and supervision that are appropriate to the actual services being provided. There are horror stories from way more specialties than this, and some of them are just as bad as Gosnell in terms of the gross negligence of the medical providers. But somehow that kind of government regulation is bad.

and the kind that shuts down only providers that cover women's health issues is good?

1 · | · · · · · [Reply](#) [Share](#) :

Avatar Cranky Steven · a month ago

This is a crock. As an RN I have seen infants survive abortion if only relatively briefly.

1 · | · · · · · [Reply](#) [Share](#) :

HeilMary1 → Cranky Steven · a month ago

If you are anti-abortion, why would you work with abortion patients?

1 · | · · · · · [Reply](#) [Share](#) :

Arekushieru → Cranky Steven · a month ago

And... that was our point...? DERP.

0 · | · · · · · [Reply](#) [Share](#) :

Avatar Freethinker01 · a month ago

It is probably safe to say, Andrea and Sharona, that you believe human beings that are breathing deserve the Constitutional right to life and due process. Right? Anyone caught killing a breathing baby should be arrested and charged with murder, right?

Then I see no reason why you should object to strict governmental oversight to insure that fetal homicide is *not* taking place in abortion clinics. Because it is most certainly a possibility that abortion doctors commit fetal homicide--Gosnell is an example--what harm is there in ensuring that innocent, born human beings are not getting killed?

This is serious business. Life and death business. In addition to support abortion laws, it seems to me that you should be very happy about laws that protect babies *after* they're born. That is...if you honestly care about Constitutional rights for living, breathing human beings.

1 · | · · · · · [Reply](#) [Share](#) :

Arekushieru → Freethinker01 · a month ago

Neither a neonate nor a fetus can be innocent or guilty. Legally, you have to be BORN to be a human being. Therefore being BORN can NOT be a descriptor of a human being.

And why do you claim to be a freethinker when you can't even think outside of the box (specifically, form rational opinions away from the typical anti talking points)? AS WE HAVE SAID, NUMEROUS times, there are ALREADY laws in place to protect infants born alive, BUT, and here's the quote, again (because apparently you didn't read it the first, second or THIRD time): The child survived, but "suffered catastrophic and permanent bodily injuries, impairment, disability, [and] disfigurement," according to news accounts of the court documents. Many of these injuries were a result of her being born prematurely, at around 23.3 weeks. A pregnancy is generally considered full-term at 37 weeks; which MEANS (and this goes to crankycatholic above, if he STILL doesn't get it) that the infants aren't simply being left to die as antis like to CLAIM, they simply cannot SURVIVE outside of the uterus at that STAGE OF DEVELOPMENT. See how simple that was?

You ARE aware that there is no such thing as an abortion doctor, right? An abortion doctor would refer to someone who ONLY provides abortions. However, an abortion provider is typically also an ob/gyn, y'know, someone who assists a woman during pregnancy, labour and DELIVERY???

1 · | · · · · · [Reply](#) [Share](#) :

fiona64 → Freethinker01 · a month ago

You didn't read the article, did you? You're promulgating a *myth.*

Gah.

1 · | · · · · · [Reply](#) [Share](#) :

Avatar crankycatholic · a month ago

Why do you conclude babies aren't being born in abortion rooms, when your findings only suggest that no baby has been murdered after abortion?

If the baby is born and survives, there's no crime.

1 · 0 · 0 · Reply · Share ·

Arekushieru · [crankyatholic](#) · 3 months ago

Apparently, someone doesn't read very well when THIS: The child survived, but "suffered catastrophic and permanent bodily injuries, impairment, disability, [and] disfigurement," according to news accounts of the court documents. Many of these injuries were a result of her being born prematurely, at around 23.3 weeks. A pregnancy is generally considered full-term at 37 weeks; CLEARLY suggests that, as the author STATED, infants do not commonly survive an abortion only to be left to die or 'murdered' later. After all, this is a claim YOUR ilk often makes, the very one YOU were making, HERE, NOT ours. And THAT is the question she was answering, SFS.

1 · 0 · 0 · Reply · Share ·

Arekushieru · [crankyatholic](#) · 3 months ago

You're missing the point. That is not what the post is claiming, AS I HAVE SAID. They are disputing the idea that antis claim, that infants commonly survive abortion attempts and are then left to die, as I have ALSO said. Please go back and read.

1 · 0 · 0 · Reply · Share ·

Avatar CatherineE17 · 3 months ago

An article addressing these claims:

<http://www.lifesitenews.com/bl...>

1 · 0 · 0 · Reply · Share ·

Avatar luckymama6 · 3 months ago

Your lack of research, is stunning.

1 · 0 · 0 · Reply · Share ·

ALSO ON RH REALITY CHECK

WHAT'S THIS?

Why Adoption Needs to Play a Bigger Role in the Reproductive Justice ...

33 comments · 8 days ago

Avatar Bonns4 — Thank you! I have seen so many posts (here and other places) where the writer acts as though a given couple is ...

Legal Wrap: State Detains Pregnant Woman, Catholic Bishops Meddle ...

12 comments · 2 days ago

Avatar nelt allen — Actually, its not. Get a dictionary.

At Any Cost: How Catholic Bishops Pushed for a Shutdown—and Even a ...

225 comments · 3 days ago

Avatar Plum Quinling — Life converted you. Me too. I was pregnant by my high school BF. I was a good little Catholic drone filled with ...

Colorado Anti-Choice Activists Submit Enough Signatures to Put 'Fetal ...

2 comments · 3 days ago

Avatar EAB — Why can't people wait for the baby to be born. Why do that have to dictate that the baby is separate from the woman ...

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Topics

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Contraception
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MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIFTH) Special Session
SIXTH

Date: 10/24/12
Wednesday

VOTING SHEET

SBill No. 52-31(COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.		✓			
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUEÑAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.		✓			
YAMASHITA, Aline A.		✓			

TOTAL

11 4 0 0 0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN

2012 (~~FIFTH~~) Special Session

SIXTH

Date: 10/24/2012
1:15pm

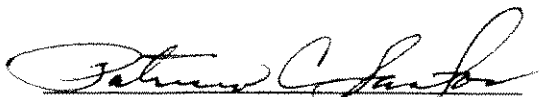
SESSION ATTENDANCE ROLL CALL

<u>NAME</u>	<u>PRESENT</u>	<u>Out During Roll Call</u>	<u>Absent</u>	
ADA, Thomas C.	✓			
ADA, V. Anthony	✓			
BLAS, Frank F., Jr.	✓			
CRUZ, Benjamin J. F.	✓			
DUENAS, Christopher M.	✓			
GUTHERTZ, Judith Paulette	✓			
MABINI, Sam	✓			
MUNA-BARNES, Tina Rose	✓			
PALACIOS, Adolpho Borja, Sr.	✓			
PANGELINAN, vicente (ben) cabrera	✓			
RESPICIO, Rory J.	✓			
RODRIGUEZ, Dennis G., Jr.	✓			
SILVA TAIJERON, Mana	✓			
WON PAT, Judith T.	✓			
YAMASHITA, Aline A.	✓			

TOTAL

15

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guahan • The 32nd Guam Legislature

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MAJORITY LEADER

Senator
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 1, 2013

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 194-32(COR) through 201-32(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guahan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'âse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT - 1 PM 4: 26

Bill Nos.	Sponsor	Title
194-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED AND A NEW SUBSECTION (i) TO §103104 OF CHAPTER 10, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A GUAM INTRASTATE SECURITIES EXCHANGE UNDER THE INTRASTATE OFFERING EXEMPTION OF THE SECURITIES ACT OF 1933.
195-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.
196-32 (COR)	T.C. Ada R.J. Respicio	AN ACT TO AMEND SECTIONS 51301(c) AND 53105 OF CHAPTER 53, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE ADEQUATE REPAIR AND RESTORATION OF GUAM'S PUBLIC ROADWAYS BY CONTRACTORS WHO OPEN AND EXCAVATE THESE ROADS.
197-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §3223 TO CHAPTER 3 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO HONORARY HIGH SCHOOL DIPLOMAS FOR CERTAIN SENIOR CITIZENS.
198-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §5013 TO TITLE 5, CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT PROCUREMENT POLICY IN FAVOR OF WOMEN OWNED BUSINESSES.
199-32 (COR)	Judith T. Won Pat, Ed.D., T.C. Ada	AN ACT TO AMEND §22425(q)(4) AND (q)(5) OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO FUNDING THE FACILITIES AND MAINTENANCE DIVISION OF THE GUAM DEPARTMENT OF EDUCATION.
200-32 (COR)	R.J. Respicio, T.C. Ada, B.J.F. Cruz	AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED §77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."
201-32 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.



COMMITTEE ON RULES

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

September 26, 2013

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 195-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 195-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. 195-32(COR)

Introduced by:

FRANK B. AGUON, JR.



**AN ACT RELATIVE TO PROTECTING INFANTS WHO
ARE BORN ALIVE AS A RESULT OF AN ABORTION,
THROUGH THE ESTABLISHMENT OF THE “INFANT
CHILD’S RIGHT TO LIFE ACT”; THROUGH ADDING A
NEW CHAPTER 91 TO TITLE 9, GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahån* finds that a proposal was previously introduced in a prior legislature that would protect the life of a child who is brought into this world through the abortion process, and who upon extraction from the mother’s womb is found to still be alive. *I Liheslaturan Guahån* recognizes that a child in this situation who is found to be alive must be preserved and every effort be made to protect the child’s life. Therefore, it is the intent of *I Liheslaturan Guahån* to enact legislation that would require that in such cases whereupon an infant that, through an abortion process, is found to still be alive, that life must be recognized as a human being and thus must be extended the right to life.

Section 2. Establishment of the “Infant Child’s Right to Life Act”. There is hereby created a new Chapter 91 to Title 9 of the Guam Code Annotated to read as follows:

2013 SEP 25 PM 2:21 W

1 "CHAPTER 91

2 INFANT CHILD'S RIGHT TO LIFE ACT

3 §91.01. Title.

4 This Act may be known and cited as the "Infant Child's Right to Life Act."

5 §91.02. Legislative Findings and Purpose.

6 (a) *I Liheslaturan Guahån* finds that:

7 (1) All children, no matter their age, have the right to life. Guam
8 has a paramount interest in protecting all human life.

9 (2) If an abortion results in the live birth of an infant, the infant is a
10 legal person for all purposes under the laws of this Territory.

11 (3) Guam must assert its interest in protecting an infant whose live
12 birth occurred as the result of an abortion.

13 (4) Without proper legal protection, newly-born infants who
14 survive abortions could be denied proper life-saving or life-
15 sustaining medical treatment and left to die.

16 (b) Accordingly, it is the purpose of this Act to ensure the protection and
17 promotion of the health and well-being of all infants born alive in this
18 Territory. Therefore, this Act mandates that healthcare providers give
19 medically appropriate and reasonable life-saving and life-sustaining medical
20 care and treatment to all born-alive infants.

21 § 91.03. Definitions.

22 For the purposes of this Act only:

23 (a) "**Abortion**" means the termination of a human pregnancy with
24 an intention other than to produce a live birth or to remove a dead
25 fetus.

26 (b) "**Born alive**" or "**live birth**" means the complete expulsion or
27 extraction of an infant from his or her mother, regardless of the state

1 of gestational development, that, after expulsion or extraction,
2 whether or not the umbilical cord has been cut or the placenta is
3 attached, and regardless of whether the expulsion or extraction occurs
4 as a result of natural or induced labor, cesarean section, or induced
5 abortion, shows any evidence of life, including, but not limited to, one
6 or more of the following:

- 7 (1) breathing;
- 8 (2) a heartbeat;
- 9 (3) umbilical cord pulsation; or
- 10 (4) definite movement of voluntary muscles.

11 (c) **"Consent"** means knowledge of and explicit or implicit
12 agreement to or instruction to perform a violation of this Act.

13 (d) **"Facility"** or **"medical facility"** means any public or private
14 hospital, clinic, center, medical school, medical training institution,
15 healthcare facility, physician's office, infirmary, dispensary,
16 ambulatory surgical treatment center, or other institution or location
17 wherein medical care is provided to any person.

18 (e) **"Infant,"** for the purposes of this Act, and as used in this Act,
19 means a child of the species *homo sapiens* that has been completely
20 expelled or extracted from its mother, regardless of the stage of
21 gestational development, until the age of thirty (30) days post birth.
22 An "infant" is also a human being for purposes of Chapter 16 of Title
23 9, Guam Code Annotated.

24 (f) **"Premature"** or **"preterm"** means occurring prior to the
25 thirty-seventh (37th) week of gestation.

26 **§ 91.04. Requirements and Responsibilities.**

1 (a) A person shall not deny or deprive an infant of nourishment with the
2 intent to cause or allow the death of the infant for any reason.

3 (b) A person shall not deprive an infant of medically appropriate and
4 reasonable medical care and treatment or surgical care.

5 (c) The requirements of this Section shall not be construed to prevent an
6 infant's parent(s) or guardian(s) from refusing to give consent to medical
7 treatment or surgical care which is not medically necessary or reasonable,
8 including care or treatment which either:

9 (1) is not necessary to save the life of the infant;

10 (2) has a potential risk to the infant's life or health that outweighs
11 the potential benefit to the infant of the treatment or care; or

12 (3) is treatment that will do no more than prolong the act of dying
13 when death is imminent.

14 (d) The physician performing an abortion must take all medically
15 appropriate and reasonable steps to preserve the life and health of an infant.
16 If an abortion performed in a hospital results in a live birth, the physician
17 attending the abortion shall provide immediate medical care to the infant,
18 inform the mother of the live birth, and request transfer of the infant to a
19 resident or on-duty or emergency care physician who shall provide
20 medically-appropriate and reasonable medical care and treatment to the
21 infant. If an abortion performed in a facility other than a hospital results in a
22 live birth, a physician attending the abortion shall provide immediate
23 medical care and treatment to the infant and call 9-1-1 for an emergency
24 transfer of the infant to a hospital that shall provide medically-appropriate
25 and reasonable care and treatment to the infant.

26 (e) If the physician described in paragraph (d) of this Section is unable to
27 perform the duties in that paragraph because he is assisting the woman on

1 whom the abortion was performed, then an attending physician's assistant,
2 nurse, or other licensed healthcare provider must assume the duties outlined
3 in that paragraph.

4 (f) Any infant including one born in the course of an abortion procedure
5 shall be treated as a legal person under the laws of this Territory, with the
6 same rights to medically-appropriate care and treatment, and birth and death
7 (if death occurs) certificates shall be issued accordingly.

8 (g) If, before the abortion, the mother and the father have stated in writing
9 that they do not wish to keep the infant in the event that the abortion results
10 in a live birth, and this writing is not retracted before the abortion, the infant,
11 if born alive, shall immediately upon birth become a ward of the Territory.

12 (h) No person may use any infant for any type of scientific research or
13 other kind of experimentation except as necessary to protect or preserve the
14 life and health of the premature born alive infant.

15 **§ 91.05. Criminal Penalties.**

16 (a) Any physician, nurse, or other licensed healthcare provider who
17 intentionally with premeditation, or intentionally, or knowingly, or
18 recklessly, or by criminal negligence fails to provide reasonable and
19 medically-appropriate and reasonable care and treatment to an infant in the
20 course of an abortion shall be guilty of a criminal homicide as defined in
21 Chapter 16 of Title 9, Guam Code Annotated and may be punished in
22 accordance with that Chapter. The mother will not be liable, criminally or
23 civilly, for actions of a physician, nurse, or other licensed healthcare
24 provider, in violation of this Act to which she did not give her consent.

25 (b) Any violation of Section 91.04, paragraph (h) of this Act concerning
26 the research use of a born- alive infant is a felony of the first degree and

1 upon conviction may be punished in accordance with Article 2, Chapter 80
2 of Title 9, Guam Code Annotated.

3 **§ 91.06. Civil and Administrative Action.**

4 In addition to whatever remedies are available under the common or
5 statutory law of this Territory, failure to comply with the requirements of
6 this Act shall:

7 (a) Provide a basis for a civil action for compensatory and punitive
8 damages. Any conviction under this Act shall be admissible in a civil
9 suit as *prima facie* evidence of a failure to provide medically
10 appropriate and reasonable care and treatment to a born-alive infant.
11 Any civil action may be based on a claim that the death of or injury to
12 the born-alive infant was a result of simple negligence, gross
13 negligence, wantonness, willfulness, intentional conduct, or another
14 violation of the legal standard of care.

15 (b) Provide a basis for professional disciplinary action for the
16 suspension or revocation of any license for physicians, licensed and
17 registered nurses, or other licensed or regulated persons. Any
18 conviction of any person for any failure to comply with the
19 requirements of this Act shall result in the automatic suspension of his
20 or her license for a period of at least one year and shall be reinstated
21 after that time only under such conditions as shall be required to
22 ensure compliance with this Act.

23 (c) Provide a basis for recovery for the parent(s) of the infant or the
24 parent(s) or guardian(s) of the mother if the mother is a minor, for the
25 wrongful death of the infant whether or not the infant was viable at
26 the time abortion was performed.”

27 **Section 3. Construction.**

1 (a) Nothing in this Act shall be construed to affirm, deny, expand, or
2 contract any legal status or legal right applicable to any member of the
3 species *homo sapiens* at any point prior to being born alive, as defined in this
4 Act.

5 (b) Nothing in this Act shall be construed to affect existing Federal or
6 Territorial law regarding abortion.

7 (c) Nothing in this Act shall be construed as creating or recognizing a
8 right to abortion.

9 (d) Nothing in this Act shall be construed to alter generally accepted medical
10 standards.

11 **Section 4. Severability.** Any provision of this Act held to be invalid or
12 unenforceable by its terms, or as applied to any person or circumstance, shall be
13 construed so as to give it the maximum effect permitted by law, unless such
14 holding shall be one of utter invalidity or unenforceability, in which event such
15 provision shall be deemed severable here from and shall not affect the remainder
16 hereof or the application of such provision to other persons not similarly situated or
17 to other, dissimilar circumstances.

18 **Section 5. Effective Date.** The provisions contained herein shall be effective
19 upon enactment of this Act.