

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
206-35 (COR) As amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice; and substituted on the Floor.	Louise B. Muña	AN ACT TO ADD A NEW § 25A204 TO ARTICLE 2 OF CHAPTER 25A, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE OFFENSE OF PRODUCTION OF CHILD PORNOGRAPHY AS A FIRST DEGREE FELONY.	9/12/19 1:57 p.m.	10/9/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	12/11/19 12:00 p.m.	11/13/20 5:05 p.m. As amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice	10/1/19	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	11/16/20	AN ACT TO ADD A NEW § 25A204 TO ARTICLE 2 OF CHAPTER 25A, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFENSE OF PRODUCTION OF CHILD PORNOGRAPHY AS A FIRST DEGREE FELONY.	12/1/20	12/1/20	12/12/20	35-122	12/11/20	Received: 12/11/20 Mess and Comm. Doc. No. 35GL-20-2504	

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÄHI • LIEUTENANT GOVERNOR

December 11, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

35GL-20-2504

Speaker Tina Rose Muña Barnes

DEC 11 2020

Time 5:25 (AM) ✓

Received By: *Sh-*

Re: Substitute Bill No. 206-35 (COR) –An Act to *Add* a New § 25A204 to Article 2 of Chapter 25A, Title 9, Guam Code Annotated, Relative to Establishing the Offense of Production of Child Pornography as a First Degree Felony

Dear Madame Speaker:

The existing statutory scheme protecting Guam's children from sexual exploitation prohibits the possession or dissemination of child pornography. Substitute Bill 206-35, now known as **Public Law No. 35-122**, further protects minors by criminalizing the production of child pornography, and identifying such crime as a first degree felony. The behavior proscribed by this law harms our children, and this measure furthers our efforts as a community to ensure that our youth is safe from the substantial and long-term physical, emotional and mental trauma caused by such sexual exploitation, particularly when such behavior is memorialized in film and images and distributed. It is my hope that this law serves as an important deterrent to such conduct, and appropriately punishes those who engage in it.

Senseramente,

LOURDES A. LEON GUERRERO

I Maga'hagan Guåhan

Governor of Guam

Enclosure: Substitute Bill No. 206-35 (COR) *nka P.L. 35-122*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 206-35 (COR) "AN ACT TO ADD A NEW § 25A204 TO ARTICLE 2 OF CHAPTER 25A, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFENSE OF PRODUCTION OF CHILD PORNOGRAPHY AS A FIRST DEGREE FELONY," was on the 1st day of December 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of December
2020, at 4:31 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/11/2020

Public Law No. 35-122

Jessica Cruz
RCUD AT CENTRAL FILE!
DEC 1 '20 PM 4:31
2020-12260

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 206-35 (COR)

As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice;
and substituted on the Floor.

Introduced by:

Louise B. Muña
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose “Pedo” Terlaje
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *ADD* A NEW § 25A204 TO ARTICLE 2 OF
CHAPTER 25A, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE OFFENSE OF
PRODUCTION OF CHILD PORNOGRAPHY AS A FIRST
DEGREE FELONY.**

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

2 **Section 1.** A new § 25A204 is *added* to Article 2 of Chapter 25A, Title 9,
3 Guam Code Annotated, to read as follows:

4 **“§ 25A204. Production of Child Pornography.**

1 (a) A person commits the offense of production of child
2 pornography if, knowing or having reason to know its character and content,
3 the person produces, manufactures, reproduces, copies, photographs, films,
4 videotapes, video captures, creates, directs, promotes, advertises, publishes,
5 issues, or presents to show any visual depiction of child pornography as
6 defined in § 25A201 of this Chapter, or any pornographic material where:

7 (1) the production of such visual depiction involves the use of
8 a minor engaging in sexual conduct;

9 (2) such visual depiction is a digital image, computer image,
10 or computer-generated image that is, or is indistinguishable from, that
11 of a minor engaging in sexual conduct;

12 (3) such visual depiction has been created, adapted, or
13 modified to appear that an identifiable minor is engaging in sexual
14 conduct;

15 (4) there is visual material containing the lewd or lascivious
16 display of a minor's intimate area underneath clothing or sexual
17 conduct of a minor; or

18 (5) there is visual material containing the display of a minor's
19 intimate area underneath clothing that is prohibited under 9 GCA §
20 70.35.

21 (b) The fact that a person engaged in the conduct specified by this
22 Section is prima facie evidence that the defendant had knowledge of the
23 character and content of the material. The fact that the person who was
24 employed, used, or otherwise contained in the pornographic material was, at
25 that time, a minor is prima facie evidence that the defendant knew the person
26 to be a minor.

27 (c) Production of child pornography is a First Degree Felony.”