

I Mina'trentai Sais 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
143-36 (LS)	Frank Blas Jr.	AN ACT TO AMEND §25.15 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED AND §25.20 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED TO INCLUDE OTHER CIRCUMSTANCES BY WHICH AN INDIVIDUAL CAN BE FOUND GUILTY OF FIRST OR SECOND DEGREE CRIMINAL SEXUAL CONDUCT.	5/25/21 2:25 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 143-36(LS)

Introduced by:

Frank F. Blas Jr. 

AN ACT TO AMEND §25.15 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED AND §25.20 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED TO INCLUDE OTHER CIRCUMSTANCES BY WHICH AN INDIVIDUAL CAN BE FOUND GUILTY OF FIRST OR SECOND DEGREE CRIMINAL SEXUAL CONDUCT.

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

2 **Section 1. §25.15 of Chapter 25, Title 9, Guam Code Annotated shall be**
3 **amended to read:**

4 **§ 25.15. First Degree Criminal Sexual Conduct.**

5 (a) A person is guilty of criminal sexual conduct in the first degree if he or she
6 engages in sexual penetration with the victim and if any of the following
7 circumstances exists:

8 (1) the victim is under fourteen (14) years of age;

9 (2) the victim is at least fourteen (14) but less than sixteen (16) years of age and the
10 actor is a member of the same household as the victim, the actor is related to the
11 victim by blood or affinity to the fourth degree to the victim, or the actor is in a
12 position of authority over the victim and used this authority to coerce the victim to
13 submit;

1 (3) sexual penetration occurs under circumstances involving the commission of any
2 other felony;

3 (4) the actor is aided or abetted by one or more other persons and either of the
4 following circumstances exists:

5 (A) the actor knows or has reason to know that the victim is mentally defective,
6 mentally incapacitated or physically helpless; or

7 (B) the actor uses force or coercion to accomplish the sexual penetration.

8 (5) the actor is armed with a weapon or any article used or fashioned in a manner to
9 lead the victim to reasonably believe it to be a weapon;

10 (6) the actor causes personal injury to the victim and force or coercion is used to
11 accomplish sexual penetration;

12 (7) the actor causes personal injury to the victim, and the actor knows or has reason
13 to know that the victim is mentally defective, mentally incapacitated or physically
14 helpless;

15 (8) the actor is a teacher, substitute teacher, or administrator of the public school,
16 non-public school, or school district in which that the victim is enrolled; or,

17 (9) the actor is an employee or a contractual service provider of the public school,
18 non-public school, or school district in which the victim person is enrolled, or the
19 actor is a volunteer who is not a student in any public school or non-public school,
20 or the actor is an employee of the local government or of a local unit of government
21 of Guam or of the United States assigned to provide any service to that public school,
22 non-public school, or school district, and the actor uses his or her employee,
23 contractual, or volunteer status to gain access to, or to establish a relationship with
24 the victim.

25 (b) Criminal sexual conduct in the first degree is a felony in the first degree. Any
26 person convicted of criminal sexual conduct under § 25.15(a) shall be sentenced to
27 a minimum of fifteen (15) years imprisonment, and may be sentenced to a maximum

1 of life imprisonment without the possibility of parole. The term imposed shall not
2 be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall
3 work release or educational programs outside the confines of prison be granted; nor
4 shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any
5 such sentence shall include a special parole term of not less than three (3) years in
6 addition to such time of imprisonment.

7 (c) Any person convicted of criminal sexual conduct under § 25.15(a) subsequent to
8 a first conviction of criminal sexual conduct under § 25.15(a) shall be sentenced to
9 a minimum of twenty-five (25) years imprisonment, and may be sentenced to life
10 imprisonment without the possibility of parole. Said term shall not be suspended as
11 indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work
12 release or educational programs outside the confines of prison be granted.

13 **Section 2. §25.20 of Chapter 25, Title 9 Guam Code Annotated shall be**
14 **amended to read:**

15 **§ 25.20. Second Degree Criminal Sexual Conduct.**

16 (a) A person is guilty of criminal sexual conduct in the second degree if the person
17 engages in sexual contact with another person and if any of the following
18 circumstances exists:

19 (1) that other person is under fourteen (14) years of age;

20 (2) that other person is at least fourteen (14) but less than sixteen (16) years of age
21 and the actor is a member of the same household as the victim, or is related by blood
22 or affinity to the fourth degree to the victim, or is in a position of authority over the
23 victim and the actor used this authority to coerce the victim to submit;

24 (3) sexual contact occurs under circumstances involving the commission of any
25 other felony;

26 (4) the actor is aided or abetted by one or more other persons and either of the
27 following circumstances exists:

1 (A) the actor knows or has reason to know that the victim is mentally defective,
2 mentally incapacitated or physically helpless; or
3 (B) the actor uses force or coercion to accomplish the sexual contact.
4 (5) the actor is armed with a weapon or any article used or fashioned in a manner to
5 lead a person to reasonably believe it to be a weapon;
6 (6) the actor causes personal injury to the victim and force or coercion is used to
7 accomplish the sexual contact; and
8 (7) the actor causes personal injury to the victim and the actor knows or has reason
9 to know that the victim is mentally defective, mentally incapacitated or physically
10 helpless;
11 (8) the actor is a teacher, substitute teacher, or administrator of the public school,
12 non-public school, or school district in which that the victim is enrolled; or,
13 (9) the actor is an employee or a contractual service provider of the public school,
14 non-public school, or school district in which the victim person is enrolled, or the
15 actor is a volunteer who is not a student in any public school or non-public school,
16 or the actor is an employee of the local government or of a local unit of government
17 of Guam or of the United States assigned to provide any service to that public school,
18 non-public school, or school district, and the actor uses his or her employee,
19 contractual, or volunteer status to gain access to, or to establish a relationship with
20 the victim.
21 (b) Criminal sexual conduct in the second degree is a felony in the first degree, but
22 a person convicted of criminal sexual conduct in the second degree who receives a
23 sentence of imprisonment shall not be eligible for work release or educational
24 programs outside the confines of prison. The term imposed shall not be suspended,
25 as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be
26 imposed in lieu of said minimum term; nor shall parole be granted; nor shall the
27 provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such

1 sentence shall include a special parole term of not less than three (3) years, in
2 addition to such time of imprisonment.

3 (c) Any person convicted of criminal sexual conduct under § 25.20(a) subsequent to
4 a first conviction of criminal sexual conduct under § 25.15(a), which involves sexual
5 penetration, shall be sentenced to a minimum of twenty-five (25) years
6 imprisonment, and may be sentenced to life imprisonment without the possibility of
7 parole. Said term shall not be suspended; nor probation be imposed in lieu of said
8 term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole,
9 work release or educational programs outside the confines of prison be granted

10 **Section 3. Effective Date.** This Act shall be effective immediately upon
11 enactment.